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Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 31, at 9:00 a.m.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: 202–523–5240.

DIRECTIONS: North on 11th Street from Metro Center to southwest corner of 11th and L Streets

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272 and 275

[Amdt. No. 325]

Food Stamp Program: Quality Control Claims Adjustments for State Agency Investments

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rulemaking puts in final form Food Stamp Program regulations, published November 27, 1990 (55 FR 49290), that provide the process by which States can invest in program management activities that are intended to reduce quality control (QC) payment error rates.

Section 601 of the Hunger Prevention Act of 1988 (Pub. L. 100–435), requires the Secretary to review a State agency's plans for new dollar investments in program management activities when determining whether to settle, adjust, compromise, or waive the State agency's QC payment error rate liability.

DATES: This action is effective January 24, 1992. State agencies may immediately submit requests for waivers of all or part of a QC liability claim for Fiscal Year 1986 and all fiscal years thereafter.

FOR FURTHER INFORMATION CONTACT: John Knaus, Chief, Quality Control Branch, Program Accountability Division, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia, 22302, (703) 305–2472.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291 and Secretary's Memorandum No. 1512–1

The Department has reviewed this action under Executive Order 12291 and Secretary's Memorandum No. 1512–1. It has been determined that the action will not result in an annual effect on the economy of $100 million or more or a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, this action will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified as "not major."

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in 7 CFR part 3015, subpart V and related Notice (48 FR 29115 June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, Stat. 1164, September 19, 1980; 5 U.S.C. 601 through 612). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. The requirements will affect the State and local agencies which administered the Program.

Paperwork Reduction Act

This rulemaking does not contain recordkeeping and reporting requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Background

In accordance with section 13 of the Food Stamp Act of 1977, as amended, 7 U.S.C. 2022, (Act) and 7 CFR 271.3(b) of the Food Stamp Program regulations, the Secretary of Agriculture has the authority to determine the amount of, settle, adjust and compromise any claim arising under the provisions of the Act. When a State agency's quality control (QC) payment error rate exceeds established tolerance levels, the Food and Nutrition Service (FNS) establishes a claim against the State agency based on the excessive error rate (7 U.S.C. 2025(c); 7 CFR 275.23 (e)). Section 601 of the Hunger Prevention Act of 1988 (Pub. L. 100–435) amended section 13(a)(1) of the Food Stamp Act to require the Department of Agriculture (Department) to review a State agency's new dollar investments in program management activities that are intended to reduce the payment error rate when making a determination to settle, adjust, compromise, or waive a claim resulting from an excessive payment error rate. To secure Department review, the State agency would propose a settlement of all or a portion of an outstanding claim that would be based upon investment in an activity designed to reduce errors. The Secretary and the State agency could then negotiate a dollar-for-dollar offset of quality control liabilities for new State monies invested in program improvement. The Department will consider proposals for new dollar investment in amounts less than the liability. While the amount of money proposed to be invested will be set off dollar-for-dollar against potential liabilities, the Department may, in connection with settlement of the entire claim, if it is determined to be appropriate under the circumstances of a particular case, reduce the liability in accordance with its general authority to settle, adjust, compromise or waive a claim. The consideration of new dollar investments in the claim settlement process is effective for the liabilities associated with the Fiscal Year 1986 QC review period and subsequent fiscal years.

The Food and Nutrition Service published proposed rules on November 27, 1990. We received comment letters directly from fourteen State agencies and two comment letters from local agencies. One multi-state association commented twice. Another multi-state association forwarded comment letters from eleven State agencies and a multi-state association along with its own comments. We received one comment

letter from a law firm which was writing on behalf of thirteen State agencies.

Nineteen commenters provided general comments on the proposed rule. One commenter strongly supported the rule. One commenter stated general opposition to the proposed regulation, without providing specifics. Eight commenters agreed with the concept of State agency investment, but found problems with the proposed regulations. Five commenters stated that the proposed provisions were not supported by legislation and one stated that the proposed provisions were supported by legislation. Five commenters believed that the proposed rule was counterproductive and unbalanced.

A full explanation of the rationale of the proposed rule is contained in its preamble. It is suggested that interested parties refer to that preamble for additional background information (55 FR 49290, November 27, 1990). Following is a detailed discussion of the comments we received on the proposed rule, and the provisions of the final rule.

New Program Management Activities

Section (i)(A) of the proposed rule required that the new management activity represent a new expenditure of money and be in addition to minimum program requirements.

Four commenters requested that FNS provide a clearer definition of "new" activities. Four commenters were in favor of using "new" funds for proven activities. As one commenter stated: "(M)any existing and proven error reduction activities have not been expanded or left in place as long as states would like because of a lack of funds. If States can show that these activities have been consistent with the goal of these regulations, which is to reduce errors and improve management, they should be allowed to use a proven activity and expand its design or scope." Three commenters commented on the use of proven error reduction activities. One commenter stated that "* * * many ongoing state activities have an ongoing impact on state error rates and should be considered for offset. As stated in the regulations, even a substantial increase in the level of effort of an ongoing corrective action would not qualify. Such an effort should be recognized and allowed."

One commenter said that the prohibition against previously funded activities was not supported by the legislation. While the legislation only refers to new dollar investments, the legislative history states that (House Report No. 100–828, page 30), "(A)ny relief the Secretary grants should be for planned expenditures for *new* (emphasis added) activities that would not otherwise be undertaken as part of normal program administration. The *new* (emphasis added) activities should represent an additional expenditure of funds, not just a reallocation of resources." The proposed rule reflected a literal reading of this passage from the House Report. On reading the comments and reevaluating this provision, we believe that an expansion of an activity or the continuation of the activity beyond the original timeframe is within the intent of the legislative history and meets the requirements of the legislation.

The Department agrees with the commenters that the goal is error reduction and the best methods to use may be those that have been used in the past. As a result we have deleted from the final rule the requirement for the activity to be "new". In fact, expansions or continuations of projects of known success will be welcome.

The Department will allow the use of activities that were previously federally funded. The limits on these activities will be that no Federal matching funds will be used on this activity until the State investment is expended; that the activity must be an addition to the minimum program administration required by law and regulations; and that the activity must represent an increase in expenditures designed to reduce errors.

No Federal Matching Funds

Section (i)(B) of the proposed rule required that the investments be funded in full by the State agency, without any Federal matching funds. Six comments were received on this section. One commenter agreed with this section. One commenter stated that it was "* * * unrealistic to require States to fund activities geared toward saving Federal dollars without providing Federal matching funds." Two commenters stated that money spent in excess of the pledged dollars should be matched.

Section (i)(B) of the final rule has been rewritten to provide for the possibility of Federal matching funds, after the settlement amount has been spent by the State agency. It is not appropriate for the Department to match the entire investment in the usual fashion, as the State agency is being allowed to use monies previously owed to the Federal government for these investments.

Activities Directly Related to Error Reduction

Section (i)(C) of the proposed rule required activities to be directly related to error reduction. In addition, this provision prohibited the use of waivers or demonstration projects. Twelve comments were received on this section. One commenter agreed with these provisions.

Two commenters requested that a definition of "directly related" to error reduction be included in the regulation. We have not defined directly related to error reduction in the final rule. We do not want to inadvertently restrict what a State agency might propose as an activity by an arbitrary definition. We are open to reasonable proposals designed to reduce errors.

One commenter stated that based on its experience, it is not possible to project a quantitative error reduction. We agree with the commenter; the rule has been modified accordingly.

The proposed rule detailed certain activities which would not be acceptable for an investment plan. Specifically, the rule mentioned new issuance systems, demonstration projects and other efforts which required waivers of existing rules. Ten commenters objected to this provision. Two commenters supported allowing the inclusion of computerized/electronic issuance systems. Both commenters stated that these systems would allow eligibility workers to spend more time on case management activities. When we proposed the rule, we did not believe that activities which are unrelated to error reduction could have an effect on error reduction. As a result of the comments we received, we have deleted the mention of issuance systems from the rule. Although we have deleted this reference, to be acceptable under the provisions of this final rule, the primary intent of the activity must be error reduction. If a review of the activity does not disclose strong error reduction potential, the activity could not be approved under the investment plan but could be eligible for the usual Federal matching rules.

The proposed rule prohibited the use of demonstration projects and other efforts which require a waiver of existing rules.

One commenter stated that "(S)ome of the most effective error reduction efforts may require a waiver of existing rules in order to be successfully implemented. The exclusion of projects solely because a waiver is required unreasonably restricts States' options for innovative, effective corrective actions." Another commenter stated that if "* * * a waiver that will not undermine integrity is needed, the state should be allowed to request such a waiver."

Investment does not limit States' ability to request waivers. The system

for approval of waivers will continue as it is, and once approved, the waiver will be considered as part of that State agency's ongoing program. States that believe a waiver is necessary for the implementation of its investment plan should submit that waiver through the normal channels for approval. States which are operating the program under FNS-approved waivers will be allowed to continue to use those waivers. Two commenters stated that the provision to prohibit the use of demonstration projects and other efforts which require a waiver of existing rules was not based in legislation. We disagree with the commenters. According to the legislative history (House Report No. 100–828, page 37), "(T)he goal of the new system is a well administered Food Stamp Program in compliance with national standards where both the measures of performance and the consequences of performance are simple and clearly understood." We believe that this reinforces the idea that we should be working within the normal standards for the program and not developing a different program based on demonstration projects and waivers.

As we stated earlier, the purpose of the investment plan is to make improvements in the ongoing program. In addition, monies are to go to management improvement, not to paying the costs of designing and implementing alternative program designs. For those reasons demonstration projects will be prohibited under the investment planning process. We have clarified in the final rule that the costs of demonstration, research, or evaluation projects which are authorized under sections 17 (a) through (c) of the Act will not be accepted.

One commenter stated that the provision "* * * implies that the new management activity must be implemented on a statewide basis without the benefit of a trial or pilot venture. The final rule allows for testing an investment activity as a pilot project, if the State and the Department agree that it is appropriate. In addition, the final rule allows a State to direct the investment plan to targeted areas within the State rather than statewide implementation.

Compliance With the Terms of the Investment Plan

Section (i)(D) of the proposed rule required that the activity be effective in reducing errors and not just a good faith effort. Thirteen commenters addressed this condition.

Ten commenters objected to this provision, stating that it would place a State in double jeopardy since if the expected error reduction did not occur, the state would have spent money that it would now be obligated to pay FNS. Nine commenters stated that compliance with an FNS-approved plan would be sufficient to satisfy the agreement. This included spending the money as agreed. Two commenters stated that a reasonable approach would be to end the settlement agreement, reinstate the original liability, and allow it to be contested. Two commenters remarked that States should provide thorough assessments of the activity to determine what did or did not work, and why.

In response to comments, we have deleted this provision from the final rule. However, it should be noted that, State agency compliance with an FNS-approved plan will be required to satisfy the agreement.

Requirements for Investment Plan Request

Sections (ii) (A) through (G) details the requirements for the request for consideration of an investment plan activity. There were six commenters. Two commenters made general remarks about the documentation provisions for the Investment request. One commenter stated that "(N)ot only are these requirements onerous but there is no prospect that the documentation effort will ever end because FNS can require periodic reports even after a claim against a state has been suspended as a result of FNS' approval of an investment plan." Another commenter said that "(T)he investment plan request requirements appear logical and appropriate".

The second component (ii)(B) is a detailed description of the planned activity. One commenter asked that a state be allowed to submit the proposal in the State's approved corrective action plan (CAP). While the Department does not object to a State using its CAP format (provided that it includes all the components required by this regulation), we are requiring that the plan be submitted separately from the CAP.

The third component (ii)(C) is a time schedule. One commenter stated that the proposed regulations did not provide a timeframe for implementation of the investment plan. The Department purposely did not include a timeframe in the proposed regulations. We intend that the timeframe for a plan will be specific to that plan. We believe that the timeframe should conform to the plan, not the plan to a timeframe. This provision remains unchanged in the final regulation.

The fourth component (ii)(D) is an identification of the types of errors expected to be affected and an estimate of the reduction. One commenter stated that there are multiple factors that affect errors rates and it is impossible to anticipate error rates or to prove direct cause-and-effect relationships. We think that this is an important component of the plan. We do not see how a State can develop a plan for error reduction, if it does not target the errors it plans to reduce. In addition, the State must have an estimate of the level of reduction that it plans to accomplish in order to establish the scope of its investment activity. While we agree with the commenter that there are multiple factors that affect error rates, the State should try to identify those activities that have the most potential for success, and incorporate those activities into the investment plan.

The Department is retaining components (A) through (D) in the final rule. The Department did not receive any comments on components (E) through (G). As a result of the change in the focus of the final rule from guaranteed error reduction to compliance with the investment plan, we have deleted components (E) and (F) as they existed in the proposed rule. The proposed rule's component (G) which contained two parts, has been split for clarity and is covered by components (E) and (F) of the final rule.

Periodic Documented Reports

Section (iv) of the proposed rule provided for periodic reports. (This section has been renumbered (v) in the final rule.) There were eight commenters who had general remarks on the provisions of this section. One commenter stated that the requirements "appear logical and appropriate." Seven commenters opposed the provisions as complicated and duplicative of other reports.

No comments were received on requirement (A). Four comments were received on requirement (B) which provided for a detailed description of the actual activity.

Our intent in the proposed rule was to allow for the most flexibility in the requirements for the reports. We anticipate that the format and timeframes for reports will vary greatly, depending on the components of the plan and the amount of money that is being invested. We do not intend for this to be a cumbersome process for either the State or Federal government.

Two comments were received on requirement (C) which provided for a detailed explanation of the activity's effect on errors. One commenter stated that this "* * * is an area that can only

be addressed adequately at the end of the project, when final results are known." The other commenter stated that we should "(G)ive more latitude for failure in the regulation * * *. (W)ithout any latitude for failure, participation would be limited. An alternative plan would be to have the States report a thorough assessment of the activity to determine what worked and what didn't work so some benefit can be gleaned from the disappointing results. However, if the dollars were expended on a mutually agreed upon plan, the liability should be satisfied."

We agree with the commenter that stated that final results will only be known at the end of the project. However we believe that a State should be monitoring the activities of the plan to be aware of changes that occur as a result of the plan. At a minimum, when these changes become known they should be included in the next report. If the changes necessitates a modification in the plan, the State should make FNS aware of it as soon as possible.

Plan Modifications

All of the commenters upon the requirements for periodic reports proposed that States be allowed to modify the investment plan. One commenter suggested that a "State would notify the Secretary of modifications and proceed with the change unless denied within 14 days of the Secretary's receipt of the modified plan. The only basis for denial of a modification would be if the Secretary determined that the modification was not directly related to error reduction."

The Department has added a new section (iv) to the final rule which provides for modification of the investment plan. We have not adopted the suggestion that modifications are approved unless denied by the Secretary within 14 days. We intend to act expeditiously on any requests for modification, but do not want requests to be approved by default. We also have not adopted the suggestion to limit the reasons for denying the modification request. Requested modifications would be reviewed in the same manner as the original investment plan.

Criteria for Withdrawal of the Investment Amount

In addition to section (i)(D), section (v) of the proposed rule contained the conditions under which the investment amount could be withdrawn by FNS. This section has been renumbered (vi) in the final rule and has been substantially rewritten.

Seven commenters provided general comments on the provisions for withdrawing the investment amount. One commenter strongly objected to the provisions. While it agreed "* * * that reduction should only be given when the re-investment agreement is substantially complied with, the regulations are far too restrictive and give FNS far too much discretion in this regard." Another commenter stated that "States should be protected * * * unless there was obvious failure on the State's part to monitor or carry out the provisions of the plan. Their inability to predict the future (error rate and cause and effect) should not be a consideration when making a decision regarding withdrawal of liability reduction." The following issues were also addressed by the commenters.

Not supported by legislation. Two commenters stated that these provisions were not supported by legislative history. Both commenters stated that compliance with the plan should only be based on expenditure of funds on the planned, FNS approved activity.

We agree with this concept and have written the final rule so that withdrawal of the investment amount is the result of not spending the funds according to the FNS approved plan.

Plan is void if money not spent in accordance with agreement. One commenter stated that if the funds are not spent as approved the plan would be void, the State would not have to pay FNS any unspent money, and the amount spent on the activity would be applied against the liability. The other commenter stated that the settlement would be null and void and the "* * * parties are returned to the posture of contesting the penalty, *not* that the State automatically must pay the penalty."

The Department does not agree with these commenters. Basically, money not spent in accordance with the investment plan or its approved modifications will not have been used in accordance with the negotiated settlement of the QC liability. Any money agreed to be spent in the investment plan, but not spent, will be payable to the Federal government, or used, subject to FNS approval, in another investment plan. Once the settlement incorporating the investment plan is agreed to, the amount involved in that settlement can no longer be contested, even if the State does not comply with the investment plan that it agreed to.

State not liable for outcome of plan. Two commenters stated that once the plan is approved, the State should not be held liable if the outcome does not fulfill the expectations.

We agree and in the final rule States will not be penalized if the goal is not met, provided that the State spent the money as agreed to under the plan.

Nine commenters commented on section (A) which provided for withdrawing the reduction in liability if a State does not spend the funds as specified. One commenter stated that it agreed with the provision. The commenters addressed the following additional issues.

Only basis for withdrawal is not spending the money. One commenter stated that the only condition placed on the waiver of the error liability should be based on the expenditure of funds on the planned, FNS approved activity. If this did not happen—"(T)hat part of the plan would simply be void and the amount spent on the activity would be applied against the claim."

This section has been rewritten to provide that withdrawal of the investment amount will be based on not spending the money according to the investment plan.

The Department has reevaluated the goal of the investment plans based on the extensive comments that were received. As a result, we will approve only those plans which, in the opinion of FNS have a likelihood of being successful in error reduction. We will direct our efforts to the plan approval process to assure, to the extent possible, that the plan that we approve will meet this goal. In evaluating the plans we will look at the State agencies' previous experiences with error reduction projects, the specified goals, similar efforts tried by other State agencies, and state project management practices. The expenditures proposed under the plan will be closely monitored.

Appeal of Settlement Amounts Used in Investment Plan

The preamble to the proposed regulation (page 49292) stated that if a State agency decides to submit a proposal, the State agency would be accepting liability for the amount of the claim being suspended at the time of the Department's approval.

Four commenters objected to the provision. They characterized the preamble language as "admitting" liability. One commenter provided three reasons for objecting to the admission of liability. Those reasons were: (1) A state may dispute the validity of a penalty claim but be willing to agree to investment in reducing its error rate, or not be willing to spend time or money challenging the claim; (2) a state that wishes to settle part of its claim would be unable to contest the balance of the claim; and (3) admission may prejudice the ability of a state to contest another

year's liability, based on similar circumstances.

It was not our intent to force a State agency to "admit" liability in order to enter into an agreement. Acknowledgement by the State agency of this liability is not necessary for the State agency to enter into an investment plan. Our purpose was to reinforce the idea that we view the establishment of an investment plan as a legal settlement agreement between Federal and State governments. As such, once the parties have entered into the agreement as to what portion of the liability claim will be paid, waived, or invested, the validity of that portion of the claim is no longer at issue, and may not be raised again before the Department.

Interest Payments on Unpaid Liabilities

Sixteen commenters commented on this provision of section (vi) of the proposed rule for charging interest on the unpaid liability. All opposed the provision. Four of the commenters stated that charging interest was not supported by the legislation. Three of the commenters opposed paying interest on money allocated but not spent on a plan, because of a state's efficiency. Five commenters stated that interest should not be charged if a state has made a good faith effort to invest in error reduction activities.

Section 602 of the Hunger Prevention Act of 1988, Public Law 100–435, mandates the imposing of interest on QC claims, and in part, specifically requires that "If the State agency appeals such claim (in whole or in part), the interest on any unpaid portion of the claim shall accrue from the date of the decision on the administrative appeal, or from a date that is 2 years after the date the bill is received, whichever is earlier, until the date the unpaid portion of the payment is received." Settlement amounts spent in accordance with an investment plan will not accrue interest. Good faith efforts are no longer an issue, as compliance is determined as spending the settlement amount from the investment plan.

No Appeal of Decision on Suspension of Liability

Section (iii) adopts from the proposed rule the provision that the Department's decision to suspend all, part, or none of the QC liability claim is final and not appealable within the Department. None of the thirteen commenters supported this provision. The commenters addressed a number of concerns. As there was no provision for appeal, States had concerns about fairness and consistency in evaluating plans. Three commenters stated that FNS should disclose its guidelines and criteria for approval of plans.

It is our intent to be fair and consistent in our application of the provisions of this rule while taking into account the individual circumstances surrounding a State's investment plan. FNS has established guidelines for approval of plans in the rule. All plans must fall within those parameters. All plans will be evaluated as to the scope of the plan, the likely effect of the plan, and the ability of the State to carry out its plan. However, the nature of that evaluation will vary based on the plan and the State agency. We expect that the plans will be so individualized and so State-specific that further development of approval standards will not be useful or desirable.

Determination to withdraw a reduction in liability is not appealable. Seventeen comments were received on this provision of section (vi) of the proposed rule which stated that the determination to withdraw a reduction is not appealable within the Department. Eleven commenters stated that the regulation should be rewritten to provide for appeals. Six commenters suggested that guidelines for withdrawing the reduction be developed.

We have retained the provision in the final rule to not allow for appeal of the Department's determination. The legislative history gives sole discretion to the Secretary on whether to reduce a State's liability. In addition, we have not published guidelines in the rule because we think that each settlement will be unique and that limiting negotiations with guidelines to cover all situations would be counterproductive.

Timeframes for entering the agreement. The proposed regulation provided that a state agency could enter into an investment plan at any time during the QC liability claim process. One commenter proposed a structured timeframe for the investment plans. Two commenters stated that States should be able to enter into the plan after they have exhausted all appeals. Another commenter stated that it was unlikely that a state would submit a plan until all appeals/negotiations were settled and that allowing an investment plan to run concurrently with the appeal process would "* * * induce the state agency to develop and implement timely corrective action initiatives * * *."

The provisions in the proposed rule have been adopted in the final rule. The purpose of that provision was to allow the State agencies to use their discretion in determining the appropriate time to enter into an investment plan. State agencies may propose investment plans at any time during the QC liability claim process, i.e., from the time a claim is received to the conclusion of judicial review. The provision provides the necessary flexibility to be responsive to the concerns of the commenters.

Dollar-for-dollar offset. Two commenters objected to requiring a dollar-for-dollar offset of the liability. The commenters stated that the States and FNS should be free to enter into an investment plan of less than the claimed penalty amount.

The intent of the proposed and final rule is that in reaching the settlement, the State agency will negotiate how much of its liability that it is willing to invest in an error reduction plan. This could be less than the full amount of the liability. The language of the proposed rule has been adopted as written.

Retroactive Investment Plans

Three commenters suggested that the final rule be written to provide for retroactive error reduction investment plans. One commenter stated that the proposed regulation "* * * negates any possible offset benefits for activities back to the FY 1986 effective date." Another commenter remarked that States which have already fulfilled the requirements of the proposed rules through past activities should be entitled to a reduction in liability.

We have not included a specific provision for retroactive error reduction investment plans in the final regulation. We believe that the regulation provides flexibility in regard to proven error reduction activities.

Implementation

As mandated in the Hunger Prevention Act of 1988, (Pub. L. 100–435), the provision for review of new dollar investments in determining whether to waive all or part of a QC liability claim is effective for liabilities associated with the Fiscal Year 1986 QC review period and subsequent fiscal years. State agencies would be eligible to submit requests for such waivers for Fiscal Year 1986 and all fiscal years thereafter. The Department may consider an investment plan that includes more than one year's claim.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

7 CFR Part 275

Administrative practice and procedure, Food stamps, Grant

programs-social programs, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 272 and 275 are amended as follows:

1. The authority citation for parts 272 and 275 continues to read as follows:

Authority: 7 U.S.C. 2011–2031.

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, a new paragraph (g)(124) is added in numerical order to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(124) *Amendment No. 325.* The quality control changes to § 275.23 that are made by Amendment No. 325 shall be implemented effective January 24, 1992.

PART 275—PERFORMANCE REPORTING SYSTEM

3. In § 275.23, a new paragraph (e)(10) is added to read as follows:

§ 275.23 Determination of State agency program performance.

* * * * *

(e) *State agencies' liabilities for payment error rates.* * * *

(10) *Suspension and waiver of liabilities for investments in program management activities.* In connection with the settlement of all or a portion of a QC liability for FY 1986 and subsequent QC review periods, the Department may suspend and subsequently waive all or part of a State agency's payment error rate liability claim based on the State agency's offsetting investment in program management activities intended to reduce errors measured by the QC system. A State agency may submit a request to the Department for review of planned investments in program management activities intended to reduce error rates as part of a proposed settlement of all or a portion of a QC liability at any time during the QC liability claim process.

(i) The State agency's investment plan activity or activities must meet the following conditions to be accepted by the Department:

(A) The activity or activities must be directly related to error reduction in the ongoing program, with specific objectives regarding the amount of error reduction, and type of errors that will be reduced. The costs of demonstration, research, or evaluation projects under sections 17 (a) through (c) of the Act will not be accepted. The State agency may direct the investment plan to a specific project area or implement the plan on a statewide basis. In addition, the Department will allow an investment plan to be tested in a limited area, as a pilot project, if the Department determines it to be appropriate. A request by the State agency for a waiver of existing rules will not be acceptable as a component of the investment plan. The State agency must submit any waiver request through the normal channels for approval and receive approval of the request prior to including the waiver in the investment plan. Waivers that have been approved for the State agency's use in the ongoing operation of the program may continue to be used.

(B) The program management activity must represent a new or increased expenditure. The proposed activity must also represent an addition to the minimum program administration required by law for State agency administration including corrective action. Therefore, basic training of eligibility workers or a continuing corrective action from a Corrective Action Plan shall not be acceptable. The State agency may include a previous initiative in its plan; however, the State agency would have to demonstrate that the initiative is entirely funded by State money, represents an increase in spending and there are no remaining Federal funds earmarked for the activity.

(C) Investment activities must be funded in full by the State agency, without any matching Federal funds until the entire investment amount agreed to is spent. Amounts spent in excess of the settlement amount included in the plan may be subject to Federal matching funds.

(ii) The request shall include:

(A) a statement of the amount of money that is a quality control liability claim that is to be offset by investment in program improvements;

(B) a detailed description of the planned program management activity;

(C) planned expenditures, including time schedule and anticipated cost breakdown;

(D) anticipated impact of the activity, identifying the types of errors expected to be affected;

(E) documentation that the funds would not replace expenditures already earmarked for an ongoing effort; and

(F) a statement that the expenditures are not simply a reallocation of resources.

(iii) The State's and the Department's agreement to settle all, part, or none of the QC liability claim under this paragraph is final and not subject to further appeal within the Department. An agreement to settle all or part of a State agency's QC liability claim will result in suspension of the claim for the specified amount, pending the State's satisfactory completion of the initiative or action taken by the Department under the provisions of paragraph (e)(10)(vi) of this section.

(iv) The State agency shall submit modifications to the plan to the Department for approval, prior to implementation. Expenditures made prior to approval by the Department may not be used in offsetting the liability.

(v) Each State agency which has all or part of a claim suspended under this provision shall submit periodic documented reports according to a schedule in its approved investment plan. At a minimum, these reports shall contain:

(A) A detailed description of the expenditure of funds, including the source of funds and the actual goods and services purchased or rented with the funds;

(B) A detailed description of the actual activity; and

(C) An explanation of the activity's effect on errors, including an explanation of any discrepancy between the planned effect and the actual effect.

(vi) Any funds that the State agency's reports do not document as spent as specified in the investment plan may be withdrawn by the Department from the reduction in QC liability. Before the reduction is withdrawn, the State agency will be provided an opportunity to provide the missing documentation.

(vii) If the reduction in QC liability is withdrawn, the Department shall charge interest on the funds not spent according to the plan, in accordance with section 602 of the Hunger Prevention Act of 1988, which amended section 13(a)(1) of the Food Stamp Act of 1977.

(viii) The Department's determination to withdraw a reduction in QC liability is not appealable within the Department.

Dated: January 17, 1992.

Betty Jo Nelsen,

Administrator, Food and Nutrition Service.

[FR Doc. 92–1788 Filed 1–23–92; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 728 Amendment 1]

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation increases the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from January 10 through January 16, 1992. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

EFFECTIVE DATE: Regulation 728, Amendment 1 (7 CFR part 907) is effective for the period from January 10 through January 16, 1992.

FOR FURTHER INFORMATION CONTACT: Christian D. Nissen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–1754.

SUPPLEMENTARY INFORMATION: This amendment is issued under Marketing Order No. 907 (7 CFR part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the "Act."

This final rule has been reviewed by the Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 130 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,000 navel orange producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented about 79 percent of the total production in 1990–91. District 2 is located in the southern coastal area of California and represented almost 18 percent of 1990–91 production; District 3 is the desert area of California and Arizona, and it represented slightly less than 3 percent; and District 4, which represented slightly less than 1 percent, is northern California. The Committee's revised estimate of 1991–92 production is 64,600 cars (one car equals 1,000 cartons at 37.5 pounds net weight each), as compared with 32,895 cars during the 1990–91 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic fresh (regulated) market is a preferred market for California-Arizona navel oranges while the export market continues to grow. The Committee has estimated that about 68 percent of the 1991–92 crop of 64,600 cars will be utilized in fresh domestic channels (43,650 cars), with the remainder being exported fresh (14 percent), processed (16 percent), or designated for other uses (2 percent). This compares with the 1990–91 total of 16,675 cars shipped to fresh domestic markets, about 51 percent of that year's crop. In comparison to other seasons, 1990–91 production was low because of a devastating freeze that occurred during December 1990.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to producers. Producers benefit from increased returns and improved market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the navel orange marketing order are required by the Committee from handlers of navel oranges. However, handlers in turn may require individual producers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

Major reasons for the use of volume regulations under this marketing order are to foster market stability and enhance producer revenue. Prices for navel oranges tend to be relatively inelastic at the producer level. Thus, even a small variation in shipments can have a great impact on prices and producer revenue. Under these circumstances, strong arguments can be advanced as to the benefits of regulation to producers, particularly smaller producers.

The Committee adopted its marketing policy for the 1991–92 season on June 25, 1991. The Committee reviewed its marketing policy at district meetings as follows: Districts 1 and 4 on September 24, 1991, in Visalia, California; and District 2 and 3 on October 1, 1991, in Ontario, California. The Committee subsequently revised its marketing policy at a meeting on October 15, 1991. The marketing policy discussed, among other things, the potential use of volume and size regulations for the ensuing season. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee or Mr. Nissen. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on January 14, 1992, in Newhall, California, to consider the current and prospective conditions of supply and demand and recommend in a vote of 8 members voting in favor, 1 opposing, and 2 abstaining, that the early maturity allotment for District 2 be suspended, and that open movement be established for District 2 for the specified period. Several Committee members commented that they believe demand is improving. Due to increased demand and poor picking weather in District 1, District 2 would be able to ship significantly more fruit than they had requested on early maturity applications submitted to the Committee last week.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1991–92 marketing policy. The recommendation compares with 37,260 cartons allotted to District 2 under early maturity for the specified period. The Department established volume regulation in the amount of 1,300,000 cartons for Districts 1 and 3, and early maturity allotments for Districts 2 and 4 (57 FR 1215).

During the week ending on January 9, 1992, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,097,000 cartons compared with 409,000 cartons shipped during the week ending on January 10, 1991. Export shipments totaled 163,000 cartons compared with 134,000 cartons shipped during the week ending on January 10, 1991. Processing and other uses accounted for 161,000 cartons compared with 821,000 cartons shipped during the week ending on January 10, 1991.

Fresh domestic shipments to date this season totaled 10,808,000 cartons compared with 13,506,000 cartons shipped by this time last season. Export shipments total 1,623,000 cartons compared with 1,698,000 cartons shipped by this time last season. Processing and other use shipments total 2,221,000 cartons compared with 4,138,000 cartons shipped by this time last season.

For the week ending January 9, 1992, regulated shipments of navel oranges to the fresh domestic market were 1,031,000 cartons on an adjusted allotment of 954,000 cartons which resulted in net overshipments of 77,000 cartons. Regulated general maturity shipments for the current week (January 10 through January 16, 1992) are estimated at 1,210,000 cartons on an adjusted allotment of 1,233,000 cartons. Thus, undershipments of 23,000 cartons could be carried forward into the week ending on January 23, 1992.

The average f.o.b. shipping point price for the week ending on January 9, 1992, was $9.47 per carton based on a reported sales volume of 800,000 cartons. The season average f.o.b. shipping point price to date is $10.21 per carton. The average f.o.b. shipping point prices for the week ending on January 10, 1991, was $15.62 per carton; the season average f.o.b. shipping point price at this time last year was $9.94.

According to the National Agricultural Statistics Service, the 1990–91 season average fresh equivalent on-tree price for California-Arizona navel oranges was $7.75 per carton, 119 percent of the season average parity equivalent price of $6.52 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1991–92 season average fresh on-tree price is estimated at $6.33 per carton, about 85 percent of the estimated fresh on-tree parity equivalent price of $7.44 per carton.

Increasing the quantity of navel oranges that may be shipped during the period from January 10 through January 16, 1992, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

A proposed rule regarding the implementation of volume regulation and a proposed shipping schedule for California-Arizona navel oranges for the 1991–92 season was published in the September 30, 1991, issue of the Federal Register (56 FR 49432). The Department is currently in the process of analyzing comments received in response to this proposal and, if warranted, may finalize that action this season. However, issuance of this final rule implementing volume regulation for the regulatory week ending on January 16, 1992, does not constitute a final decision on that proposal.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register. This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until January 14, 1992, and this action needs to be effective for the regulatory week which ends on January 16, 1992. Further, interested persons were given an opportunity to submit information and views on the amended regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

1. The authority citation for 7 CFR part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.1028 (57 FR 1215) is revised to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 907.1028 Navel Orange Regulation 728.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from January 10 through January 16, 1992, is established as follows:

(a) District 1: 1,232,660 cartons;

(b) District 2: unlimited cartons;

(c) District 3: 67,340 cartons;

(d) District 4: 16,262 cartons.

Dated: January 15, 1992.

Robert O. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–1791 Filed 1–23–92; 8:45 am]

BILLING CODE 3410–02–M

Rural Electrification Administration

7 CFR Part 1710

RIN 0572-AA43

Borrower Eligibility for Different Types of Loans

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR part 1710, General and Pre-loan Policies and Procedures Common to Insured and Guaranteed Electric Loans by adding a new § 1710.102, Borrower Eligibility for Different Types of Loans. This new section sets forth REA policies for determining which borrowers are eligible for the different types of REA financial assistance. This regulation updates and clarifies REA policies for determining borrower eligibility for different types of financial assistance.

EFFECTIVE DATE: This rule is effective February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Frank W. Bennett, Deputy Assistant Administrator-Electric, U.S. Department of Agriculture, Rural Electrification Administration, room 4048–S, 14th and Independence Avenue, SW., Washington, DC 20250–1500, Telephone: (202) 720–9547.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation as established by the Order.

Regulatory Flexibility Act Certification

The Administrator of REA has determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Most borrowers of REA loans do not meet the requirements for small entities.

National Environmental Policy Act Certification

The Administrator of REA has determined that this final rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this final rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Executive Order 12372

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation. A Notice of Final rule entitled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts REA electric loans and loan guarantees from coverage under this Order.

Information Collection and Recordkeeping Requirements

This final rule contains no information collection or recordkeeping provisions requiring Office of Management and Budget approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Background

On February 20, 1991, REA published a proposed rule at 56 FR 6912 proposing to amend 7 CFR chapter XVII by adding part 1710, General and Pre-loan Policies and Procedures Common to Insured and Guaranteed Electric Loans. The proposed rule consisted of subpart A, General, § 1710.2, Definitions and Rules of Construction, and subpart C, Loan Purposes and Basic Policies, § 1710.102, Borrower Eligibility for Different Types of Loans. The remainder of 7 CFR part 1710, subparts A through H, was published as a proposed rule at 56 FR 8234 on February 27, 1991.

While the two rules are related, this final rule is limited in scope, consisting of only § 1710.102, which sets forth REA policies for determining which borrowers are eligible for the different types of REA financial assistance. The definitions section contained in the proposed form of this rule has been deleted since the same definitions section, with some revisions made in response to public comments, has recently been issued in final form as § 1710.2 in 7 CFR part 1710, subparts A through H.

Two other related rules, 7 CFR part 1712, Pre-loan Policies and Procedures for Guaranteed Electric Loans, subpart B, section 314 Loan Guarantees-Private Sector, and 7 CFR part 1719, Post-loan Policies and Procedures for Guaranteed Electric Loans, subpart B, section 314 Loan Guarantees-Private Sector, were published as interim final rules, with request for comments, at 56 FR 42460 on August 27, 1991. These rules set forth policies, procedures and requirements for the execution and administration of loan guarantees authorized by section 314 of the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*).

Since publication of proposed § 1710.102, the fiscal year 1992 Appropriations Act for the Department of Agriculture has been enacted. That Act prohibits REA from implementing a needs-based method for allocating insured funds in fiscal year 1992. Therefore, those provisions of the proposed rule dealing with needs-based allocation of insured loans, basically proposed paragraphs (e) through (i), have been deleted. This final rule retains only those provisions relating to general policy as to which borrowers qualify for the different types of REA loans and loan guarantees.

The Appropriations Act did not amend the authority in section 314 of the REA Act of 90 percent private-sector loan guarantees. Therefore, the applicable rules, subparts A and B of 7 CFR parts 1712 and 1719, remain in force.

Comments

Comments were received from a total of 324 commenters, including 270 borrowers, the National Rural Electric Cooperative Association (NRECA), 14 state borrower associations, and 39 others, including several members of Congress. The vast majority of comments related to the proposed needs-based method for allocating insured loan funds and section 314 guarantees, and the criteria and weighting system for determining need.

Several comments were received on the provisions retained in the final rule. One commenter asked whether the rule proposes a change in existing REA policy on requirements and qualification criteria for supplemental financing. It does not. Those requirements were set forth in 7 CFR 1710.110.

One commenter recommended that the factors be specified which the Administrator will use in determining financial hardship with respect to waiving requirements for supplemental financing. REA believes that it is important that the Administrator continue to have flexibility in determining whether or not to waive requirements for supplemental financing. Such flexibility has worked well in the past without any complaint from borrowers. However, REA is developing a new proposed section to be added to 7 CFR 1710 that will set forth

the factors that the Administrator will consider in determining whether a borrower is experiencing financial hardship.

It was also suggested that specific procedures be established for borrowers to request a waiver of the supplemental financing requirements. Paragraph (a) of § 1710.102 has been modified to make it clear that consideration of a waiver of the supplemental financing requirements will be initiated at the request of a borrower.

List of Subjects in 7 CFR Part 1710

Administrative practice and procedure, Electric power, Electric utilities, Guaranteed loan program, Insured loan program, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

For the reasons given in the preamble, 7 CFR part 1710 is amended as follows:

PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for 7 CFR part 1710 continues to read as follows:

Authority: 7 U.S.C. 901–950(b); Pub. L. 99–591, 100 Stat. 3341, 3341–16; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

2. The text of § 1710.102 is added to read as follows:

Subpart C—Loan Purposes and Basic Policies

§ 1710.102 Borrower eligibility for different types of loans.

(a) *Insured loans under section 305.* Insured loans are normally reserved for the financing of distribution and subtransmission facilities of both distribution and power supply borrowers. In accordance with § 1710.110, except in cases of financial hardship, as determined by the Administrator, an applicant for an insured loan must obtain a portion of the total debt financing required for a proposed project by means of a supplemental loan from another lender without an REA guarantee. A borrower may request that the Administrator review its situation to determine whether it qualifies as a financial hardship case.

(b) *One hundred percent loan guarantees under section 306.* Both distribution and power supply borrowers are eligible for 100 percent loan guarantees under section 306 of the RE Act for any or all of the purposes set forth in § 1710.106. (See 7 CFR part 1712.) These guarantees are normally used to finance bulk transmission and generation facilities, but they may also be used to finance distribution and subtransmission facilities. If a borrower applies for a section 306 loan guarantee to finance all or a portion of distribution and subtransmission facilities, such request will not affect the borrower's eligibility for an insured loan to finance any remaining portion of said facilities or for any future insured loan to finance other distribution or subtransmission facilities. A section 306 loan guarantee, however, may not be used to guarantee a supplemental loan required by § 1710.110.

(c) *One hundred percent loan guarantees under section 306A.* Under section 306A of the RE Act, both distribution and power supply borrowers are eligible under certain conditions to use an existing section 306 guarantee to refinance advances made on or before July 2, 1986 from a loan made by the Federal Financing Bank. (See 7 CFR part 1786.)

(d) *Ninety percent guarantees of private-sector loans under section 314.* Both distribution and power supply borrowers are eligible under section 314 of the RE Act to receive from REA a 90 percent guarantee of a loan made by a private lender for any or all of the purposes set forth in § 1710.106. (See 7 CFR part 1712.) In allocating fiscal year authority for section 314 guarantees, priority will be given to financing of distribution and subtransmission facilities if section 314 guarantees are required to be offered to borrowers as a result of a reduction in insured loan funding pursuant to section 314 of the RE Act. A section 314 guarantee may not be used to guarantee a supplemental loan required by § 1710.110.

(e) *Ninety percent guarantees of private-sector loans under section 311.* Under section 311 of the RE Act, both distribution and power supply borrowers in the state of Alaska are eligible under certain conditions to obtain from REA a 90 percent guarantee of a private-sector loan to refinance their Federal Financing Bank loans. (See 7 CFR part 1786.)

Dated: December 17, 1991.

R.R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 92–1513 Filed 1–23–92; 8:45 am]

BILLING CODE 3410–15–M

FEDERAL HOUSING FINANCE BOARD

12 CFR Parts 932 and 941

[92–18]

Operations of the Office of Finance

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule, with request for comments.

SUMMARY: The Federal Housing Finance Board ("Finance Board") is removing selected sections from part 932 and adopting a new part 941 that will revise the regulations establishing, and governing the duties of, the Office of Finance, a joint office of the Federal Home Loan Bank System, to reflect the changes in the activities of the Office of Finance as well as to implement a restructuring of the management organization of the Office of Finance in order to improve the administration of its functions.

DATES: This rule is effective January 24, 1992. Comments must be submitted by February 24, 1992.

ADDRESSES: Mail comments to Elaine L. Baker, Executive Secretary, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC, 20006.

FOR FURTHER INFORMATION CONTACT: Thomas D. Sheehan, Assistant Director, Financial Division, District Banks Directorate, (202) 408–2870, or Charles Szlenker, Attorney, Office of General Counsel, (202) 408–2554, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Finance of the Federal Home Loan Bank System ("FHLBank System") was created in 1972 by regulation of the former Federal Home Loan Bank Board ("FHLBB"). See 37 FR 16864 (Aug. 22, 1972). It replaced the Office of the Fiscal Agent of the FHLBanks, which had been organized in the 1930's, shortly after the establishment of the FHLBanks, by the FHLBB under the Federal Home Loan Bank Act. The creation of a Fiscal Agent of the FHLBanks facilitated the Federal Home Loan Bank Act's mandate that the FHLBB "issue" the FHLBank consolidated debentures, bonds or notes ("FHLBank consolidated obligations"). See 12 U.S.C. 1431 (b) and (c) (Supp. I 1989). Although the FHLBank consolidated obligations were issued by the FHLBB, they were obligations of the FHLBank System, not the FHLBB or the Federal government. See *id.* at 1435.

Accordingly, the Fiscal Agent issued the FHLBank consolidated obligations under authority delegated by the FHLBB, but serviced the obligations as the agent of the FHLBanks.

In 1972, the FHLBB expanded the role of the Office of Fiscal Agent to include the purchase of investment securities on behalf of the FHLBanks and to perform other miscellaneous financial functions for the FHLBanks as well as for the former Federal Savings and Loan Insurance Corporation ("FSLIC") and the Federal Home Loan Mortgage Corporation ("Freddie Mac"). In addition, the FHLBB required the Office of Finance to monitor FHLBank compliance with certain statutory or regulatory requirements and make reports of such compliance to the FHLBB. With this broader responsibility came an internal reorganization and a new name, the Office of Finance.

Significant changes since 1972 have occurred to the FHLBank System. The FHLBanks no longer use the Office of Finance in order to perform investment services on their behalf. Both FSLIC and the FHLBB have been dissolved by the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101–73, 103 Stat. 183–553 (1989). The Finance Board has replaced the former FHLBB as regulator of the FHLBank System. Moreover, the Finance Board has assumed direct responsibility for monitoring the FHLBanks' compliance with statutory, regulatory or policy requirements. These changes have effectively reduced the duties of the Office of Finance, although it continues to perform certain functions on behalf of the Financing Corporation and the Resolution Funding Corporation.

This interim final rule revises the regulations governing the Office of Finance and its duties to reflect the aforementioned changes in the activities of the Office of Finance as well as to implement a restructuring of the Office of Finance in order to improve its administration.

II. Overview of Regulation

A. Summary of Changes

This regulation reorganizes the management structure of the Office of Finance by establishing a new three member administrative body, called the Office of Finance Board of Directors ("OF Board of Directors"), responsible for the operations and management of the Office of Finance. The administrative powers previously granted the Director of the Office of Finance are now to be vested in the OF Board of Directors.

The Office of Finance will continue as a joint office of the FHLBanks, organized pursuant to section 2B(b)(2) of the Bank Act (12 U.S.C. 1422b(b)(2) (Supp. I 1989)), and will continue to issue FHLBank consolidated obligations on behalf of the Finance Board. The Office of Finance will also continue to be responsible for principal and interest payments on the consolidated obligations on behalf of the FHLBanks. The references to functions no longer performed by the Office of Finance have been removed as obsolete.

B. Effect of Changes

Under the new structure, the responsibility for issuing and servicing FHLBank consolidated obligations, is delegated to the OF Board of Directors. That entity, in turn, will appoint the Director of the Office of Finance, subject to Finance Board approval, and sub-delegate to the Director the duties of the Fiscal Agent of the FHLBanks. The OF Board of Directors, in its discretion, may delegate other duties to the Director.

Under this new structure, the Director of the Office of Finance will be directly accountable to the OF Board of Directors for Office of Finance administration. The Director is retained as the managing officer of the Office of Finance, responsible for day-to-day operations.

The Finance Board will continue to exercise oversight over the OF Board of Directors and the Office of Finance. Both will be subject to the rules, regulations and policies as may be established from time to time by the Finance Board pursuant to section 2B of the Bank Act (12 U.S.C. 1422b).

C. Purpose of Changes

The purpose of these regulations is to achieve an internal reorganization of the management structure of the Office of Finance. The Finance Board does not intend to abolish the current Office of Finance or re-create or re-charter it by these regulations. Neither does the Finance Board intend to alter any duties or responsibilities of the Office of Finance regarding outstanding FHLBank consolidated obligations, or any rights of the holders of those obligations.

The Finance Board desires to improve the management control and accountability over Office of Finance activities by focusing the lines of authority and chain of command over the Office of Finance. The ultimate purpose herein is to promote cost savings for FHLBank System activities by providing for more economic and efficient Office of Finance operations.

Administrative Procedure Act

The Finance Board is adopting these regulations as an interim final rule, effective immediately. However, it is incorporating a 30-day comment period. The Administrative Procedure Act ("APA") requires executive agencies to publish a substantive rule in the Federal Register not less than 30 days prior to its effective date. 5 U.S.C. 553(b) (1988). The APA provides an exception to the 30-day publication requirement whenever the agency finds "good cause" therefor and publishes such finding with the rule. *Id.* at 553 (b)(3)(B) & (d).

The Finance Board finds such good cause in this case. The courts have found that the underlying purpose of the notice requirements for rulemaking in the APA is to allow members of the general public, who will be affected by a new rule, a reasonable time to prepare for the effective date of the rule and the consequences of the new rule. The issue of whether "good cause" exists to waive the notice requirement is decided by weighing the need to quickly implement a new rule against any hardship to members of the public affected by it. *Nance* v. *EPA*, 645 F.2d 701, 708 (9th Cir. 1981) *cert. denied*, 454 U.S. 1081 (1981).

This rule deals with the internal management organization of the FHLBank System. Accordingly, it will not directly result in any additional burden to, or otherwise effect, any member of the public outside the FHLBank System. However, the rule will make changes to the administration of the Office of Finance which the Finance Board has determined should be implemented immediately. The Finance Board therefore concludes that the facts weigh in favor of waiving the notice period. *Cf. id. at* 709.

The Finance Board may promulgate this rule without the notice period required by the APA as the record shows that the interests of both the FHLBank System and holders of its consolidated obligations are served by improving Office of Finance operations. *See Texaco, Inc.* v. *FEA*, 531 F.2d 1071, 1082 (Temp. Emer. Ct. App. 1976) *cert. denied*, 426 U.S. 941 (1976).

Although these regulations will be effective immediately, the Finance Board recognizes the importance, value and benefit of public comment and input on FHLBank operations. Accordingly, it has provided for a 30-day comment period from the date of publication of these regulations. The comments received during this 30-day period may result in revisions to these regulations after their effective date.

Regulatory Flexibility Act

In accordance with section 605(b) of title 5, United States Code, the Finance Board hereby certifies that these interim final regulations will not have a significant impact on a substantial number of small entities. The Finance Board finds that these regulations deal strictly with the internal structure and operations of the FHLBank System. Accordingly, a regulatory flexibility analysis is not necessary.

List of Subjects

12 CFR Part 932

Federal home loan banks.

12 CFR Part 941

Organization and functions (government agencies).

Accordingly, the Finance Board hereby amends its general regulations, at chapter IX, title 12, Code of Federal Regulations, as follows:

1. The authority section for part 932 continues to read in its current form.

§§ 932.55, 932.56 and 932.57 [Removed]

2. Sections 932.55, 932.56 and 932.57 are removed.

3. A new part 941 is added to read as follows:

PART 941—OPERATIONS OF THE OFFICE OF FINANCE

941.1 Definitions.
941.2 General.
941.3 Federal Housing Finance Board oversight.
941.4 Office of Finance.
941.5 Functions of the Office of Finance.
941.6 Director of the Office of Finance.
941.7 Office of Finance Board of Directors.
941.8 Powers of the Office of Finance Board of Directors.
941.9 Duties of the Office of Finance Board of Directors.
941.10 Meetings of the Office of Finance Board of Directors.
941.11 Budget, funding and expenses.
941.12 Savings clause.

Authority: Sec. 2B, 103 Stat. 414, as amended (12 U.S.C. 1422b); sec. 11, 47 Stat. 733, as amended (12 U.S.C. 1431).

§ 941.1 Definitions.

In this part, the following terms mean:

Bank. A Federal Home Loan Bank.

Bank Act. The Federal Home Loan Bank Act.

Bank System. The Federal Home Loan Bank System, consisting of the twelve Federal Home Loan Banks and including the Office of Finance as a joint office of the Federal Home Loan Banks.

Chair. The Chairperson of the Office of Finance Board of Directors.

Consolidated obligation. A Federal Home Loan Bank consolidated debenture, bond or note issued under authority of section 11 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1431).

Director. The Director of the Office of Finance.

Finance Board. The Federal Housing Finance Board.

OF Board of Directors. The three member administrative body responsible for management of the Office of Finance.

§ 941.2 General.

This part reorganizes the Office of Finance, a joint office of the Bank System, establishes the OF Board of Directors as the body responsible for the management and operations of the Office of Finance, and defines their respective duties and responsibilities.

§ 941.3 Federal Housing Finance Board oversight.

(a) Section 12(a) of the Bank Act (12 U.S.C. 1432(a)) provides that all activities of a Bank are subject to the approval of the Finance Board. The Finance Board retains the same oversight authority over the Office of Finance and the OF Board of Directors as it has over a Bank and its respective board of directors.

(b) Pursuant to section 20 of the Bank Act (12 U.S.C. 1440), the Finance Board shall audit and examine the Office of Finance, the OF Board of Directors and the Office of Finance Operations Imprest Fund.

§ 941.4 Office of Finance.

(a) *Establishment.* An Office of Finance is hereby established which shall have the responsibilities, duties and functions described herein.

(b) *Status.* The Office of Finance is recognized as a joint office of the Bank System.

(c) *Mission.* The Office of Finance shall:

(1) Issue the consolidated obligations pursuant to section 11 of the Bank Act, as amended (12 U.S.C. 1431);

(2) Perform all other necessary and proper functions in relation to the consolidated obligations, as fiscal agent on behalf of the Banks; and

(3) Undertake any other activities expressly approved by the Finance Board.

§ 941.5 Functions of the Office of Finance.

Subject to limitations set by the OF Board of Directors, the Office of Finance shall have the following duties and functions:

(a) Conduct all negotiations relating to the public or private offering and sale of consolidated obligations, and perform such other related functions as may be authorized by resolution of the Finance Board;

(b) Perform such functions for the Financing Corporation and/or the Resolution Funding Corporation, on behalf of the Banks, as may be requested by each such entity; and

(c) Make timely payments on behalf of the Banks of principal and interest due on all consolidated obligations issued pursuant hereto.

§ 941.6 Director of the Office of Finance.

(a) The Office of Finance shall be headed by a Director who shall be responsible for the overall daily management of the Office of Finance functions and organization, including:

(1) Implementation of the OF Board of Directors' plans and policies for the administration of the Office of Finance;

(2) Organization and development of the personnel structure of the Office of Finance;

(3) Employment and management of personnel;

(4) Preparation of the budget for presentation to the OF Board of Directors pursuant to § 941.11; and

(5) Performance of any duty assigned by the OF Board of Directors, including providing it any records, reports or other data in the possession of the Office of Finance whenever requested to do so.

(b) The Director shall perform the duties described herein and the functions of the Office of Finance subject to the policies adopted by the OF Board of Directors.

(c) The Director shall be:

(1) The Fiscal Agent of the Federal Home Loan Banks;

(2) A member of the Directorate of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1441(b)(1)(A)); and

(3) A member of the Directorate of the Resolution Funding Corporation, pursuant to section 41B(c)(1)(A) of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1441b(c)(1)(A)).

§ 941.7 Office of Finance Board of Directors.

(a) *Establishment.* The Office of Finance Board of Directors is hereby created.

(b) *Use of facilities or personnel.* The OF Board of Directors may utilize the facilities or personnel of the Office of Finance or any Bank in order to perform its functions.

(c) *Membership.* The OF Board of Directors shall consist of three part-time members appointed by the Finance Board as follows:

(1) *Bank System.* Two Bank Presidents; and

(2) *Private Citizen.* A citizen of the United States with a demonstrated expertise in financial markets. Such appointee may not be an officer, director or employee of a Bank or Bank System member, hold shares, or any other financial interest in, any member of a Bank, or be affiliated with any FHLBank consolidated obligation selling or dealer group member under contract with the Office of Finance.

(d) *Terms*—(1) *Length.* Except as provided below, the terms of the OF Board of Directors members shall be as follows:

(i) The terms of the two Bank President members shall be for two years, beginning on April 1st, and each term shall begin and end in alternate years staggered with the other term;

(ii) The term of the Private Citizen member shall be for two years, beginning on April 1st.

(2) *Vacancy.* The Finance Board shall fill any vacancy occurring on the OF Board of Directors. An appointment to fill a vacancy shall be only for the remainder of the term during which the vacancy occurred.

(3) *Holdover.* At the direction of the Finance Board, any member of the OF Board of Directors is authorized to continue to serve on the OF Board of Directors after the expiration of the member's term until a successor has been appointed by the Finance Board.

(4) *Initial terms.* Notwithstanding paragraph (d)(1) herein, the terms of the members of the first OF Board of Directors convened pursuant to this part shall be as follows:

(i) The initial term of one of the Bank President members shall be from the date of appointment until March 31, 1993, and the initial term of the other shall be from the date of appointment until March 31, 1994;

(ii) The initial term of the Private Citizen member, as selected by the Finance Board, shall be from the date of appointment until March 31, 1994.

(e) *Chair.* (1) The Finance Board shall designate one member of the OF Board of Directors as the Chair, and another member as the Vice Chair.

(2) The Chair shall preside over the meetings of the OF Board of Directors. In the absence of the Chair, the Vice Chair shall preside.

(3) The Chair shall be responsible for ensuring that the directives and resolutions of the OF Board of Directors are drafted and maintained and for keeping the minutes of all meetings.

(f) *Compensation*—(1) *Bank System members.* (i) The Bank President members shall not receive any additional compensation or reimbursement as a result of their service on the OF Board of Directors.

(ii) Each Bank is authorized to continue to pay its President a salary during attendance at the OF Board of Directors meetings and to pay such President's travel and *per diem* expenses for attendance at OF Board of Directors meetings.

(iii) Each Bank shall be entitled to be reimbursed by the Office of Finance for its expenditure of travel and *per diem* expenses associated with its Bank President's attendance at OF Board of Directors meetings as a member thereof.

(2) *Private Citizen member*—The Office of Finance shall pay the Private Citizen member of the OF Board of Directors for attendance at each meeting thereof and shall reimburse such member for the expenses associated with attendance in the same amount and under the same conditions as the Banks pay and reimburse the chairmen of their boards of directors.

§ 941.8 Powers of the Office of Finance Board of Directors.

(a) *General.* The OF Board of Directors shall enjoy such incidental powers under section 32(a) of the Bank Act (12 U.S.C. 1432(a)), as are necessary, convenient and proper to accomplish the efficient operation and management of the Office of Finance pursuant to this part.

(b) *Agent.* Subject to any limitations set by the Finance Board, the OF Board of Directors, in the performance of its duties, shall have the power to act:

(1) On behalf of the Finance Board in the issuing of consolidated obligations; and

(2) On behalf of the Banks in the paying of principal and interest due on the consolidated obligations.

(c) *Delegation.* The OF Board of Directors shall be empowered to delegate any of its powers to any employee of the Office of Finance in order to enable the Office of Finance to carry out its functions.

§ 941.9 Duties of the Office of Finance Board of Directors.

(a) *General*—(1) *Bylaws.* The OF Board of Directors shall adopt bylaws governing its operations and issue such guidance or instructions as will promote the efficient operation of the Office of Finance.

(2) *Conduct of Business.* The OF Board of Directors shall conduct its business by majority vote of its members convened at a meeting in accordance with its bylaws.

(b) *Oversight.* The OF Board of Directors shall:

(1) Have overall responsibility for the performance of the duties and functions of the Office of Finance pursuant hereto and for its efficient and effective operation;

(2) Set policies for the Office of Finance;

(3) Approve a strategic business plan for the Office of Finance and monitor the progress of its operations under such plan;

(4) Subject to Finance Board approval, review, adopt and monitor the annual operating budget of the Office of Finance including any supplemental expenditure thereto;

(5) Develop and implement the pricing mechanism by which the Office of Finance will make private or public offerings of consolidated obligations, in consultation with the Finance Board or its designee;

(6) Subject to Finance Board approval, select and employ the Director under an annual contract of employment;

(7) Review and approve all contracts of the Office of Finance; and

(8) Assume any other responsibilities that may from time to time be delegated to it by the Finance Board.

§ 941.10 Meetings of the Office of Finance Board of Directors.

(a) *Meetings.* (1) The OF Board of Directors shall adopt procedures for holding meetings which shall be set forth in the bylaws and such meetings shall be held not less than once each quarter of each year.

(2) Due notice shall be given to the Finance Board by the Chair prior to each meeting.

(b) *Quorum.* A quorum for purposes of OF Board of Directors meetings shall be three members.

§ 941.11 Budget, funding and expenses.

(a) *General.* The budget of the Office of Finance shall be calculated on a calendar year basis.

(b) *Initial review.* The OF Board of Directors shall be responsible for initially reviewing and approving the budget of the Office of Finance, which shall include the budget for the OF Board of Directors.

(c) *Agency review.* After its approval of the budget, pursuant to paragraph (b) herein, the OF Board of Directors annually shall submit the Office of Finance budget to the Finance Board for its review and approval. Upon approval by the Finance Board, the OF Board of Directors shall transmit a copy of the budget to each of the Bank Presidents.

(d) *Expenses.* Upon the approval of the budget by the Finance Board in accordance with paragraph (c) herein,

the OF Board of Directors may authorize the Director to make payments pursuant to the budget as necessary.

(e) *Imprest fund*—(1) *Checking account.* The Office of Finance shall establish a checking account in a financial depository institution approved by the OF Board of Directors, to be called the "Office of Finance Operations Imprest Fund." The Director shall maintain an amount therein approved by the OF Board of Directors.

(2) *Use.* The funds in such checking account shall be:

(i) Available for expenses of the Office of Finance and the OF Board of Directors, according to their approved budgets; and

(ii) Subject to withdrawal by check or draft signed by the Director or other person designated by the OF Board of Directors.

(f) *Funding*—(1) *General.* The Bank System is responsible for funding the expenses of the Office of Finance and the OF Board of Directors.

(2) *Method.* (i) The Banks shall jointly fund the Office of Finance by periodically reimbursing the Office of Finance Operations Imprest Fund in order to maintain in such Fund the amount approved in paragraph (e)(1) herein.

(ii) Each Bank's respective *pro rata* share of the reimbursement described in paragraph (f)(2)(i) herein shall be based on the ratio of the total paid-in value of its capital stock relative to the total paid-in value of all capital stock in the Bank System.

(iii) Notwithstanding the formula devised herein, the OF Board of Directors may devise an alternative formula for determining each Bank's respective share of Office of Finance expenses. Upon approval by the Finance Board, such alternative formula shall supersede the formula devised herein.

(3) *Payment.* Each Bank from time to time shall promptly forward funds to the Office of Finance in an amount representing its share of the reimbursement described in paragraph (f)(2)(i) herein when directed to do so by the Director pursuant to procedures of the OF Board of Directors.

(4) *Receipt.* All Bank funds received by the Office of Finance pursuant to this section shall be promptly deposited into the checking account described in paragraph (e)(1) herein and disbursed according to this part.

(5) *Procedures.* The OF Board of Directors shall adopt procedures governing the payment or reimbursement of expenses of the Office of Finance and the OF Board of Directors.

§ 941.12 Savings clause.

(a) The Office of Finance Operations Imprest Fund is available to pay for all expenses of the Office of Finance existing prior to the adoption of this part.

(b) All actions taken by the Office of Finance as it existed prior to the adoption of this part continue to be valid as regards the Finance Board and the Bank System.

(c) Notwithstanding any provision of this part, the Office of Finance or its Director may continue to exercise any powers delegated to it by the Finance Board or the former Federal Home Loan Bank Board, which they exercise on the date of the adoption of this part, until the first meeting of the OF Board of Directors created pursuant hereto.

Dated January 16, 1992.

By the Federal Housing Finance Board.

Daniel F. Evans, Jr.,

Chairman.

[FR Doc. 92-1727 Filed 1-23-92; 8:45 am]

BILLING CODE 6725-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 520

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) from Hyal Pharmaceutical Corp. (formerly Sterivet Laboratories, Ltd.), to Sanofi Animal Health, Inc.

EFFECTIVE DATE: January 24, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8646.

SUPPLEMENTARY INFORMATION: Hyal Pharmaceutical Corp. (formerly Sterivet Laboratories, Ltd.), 3909 Nashua Dr., Unit 5 Mississauga, ON, Canada L4V 1 R3, has informed FDA that it has transferred ownership of, and all rights and interests of approved NADA 113-510 (phenylbutazone granules) to Sanofi Animal Health, Inc., 7101 College Blvd., suite 610, Overland Park, KS 66210. Accordingly, FDA is amending the regulations in 21 CFR 520.1720b(b) to reflect this change. Also, the regulations are amended in 21 CFR 510.600(c) by removing Sterivet Laboratories, Ltd., because the firm is no longer the sponsor of any approved NADA's

List of Subjects

21 CFR Part 510

Administrative practice and procedure; Animal drugs; Labeling; Confidential business information; Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 520 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry "Sterivet Laboratories, Ltd.", and in the table in paragraph (c)(2) by removing the entry "047408".

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.1720b [Amended]

4. Section 520.1720b *Phenylbutazone granules* is amended in paragraph (b) by removing "047408" and adding in its place "050604".

Dated: January 13, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-1742 Filed 1-23-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject To Certification; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor of a new animal drug application (NADA) from Hyal Pharmaceutical Corp. (formerly Sterivet Laboratories, Ltd.), to Schering-Plough Animal Health Corp.

EFFECTIVE DATE: January 24, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8646.

SUPPLEMENTARY INFORMATION: Hyal Pharmaceutical Corp. (formerly Sterivet Laboratories, Ltd.), 3909 Nashua Dr., Unit 5 Mississauga, ON, Canada L4V 1 R3, has informed FDA that it has transferred ownership of, and all rights and interests in approved NADA 140–474 (hyaluronate sodium injection) to Schering-Plough Animal Health Corp., P.O. Box 529, Galloping Hill Rd., 91–705 Kenilworth, NJ 07033. Accordingly, the agency is amending the regulations in 21 CFR 522.1145 to reflect this change.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b):

§ 522.1145 [Amended]

2. Section 522.1145 *Hyaluronate sodium injection* is amended in paragraph (d)(2) by removing the number "047408" and adding in its place "000061".

Dated: January 13, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92–1741 Filed 1–23–92; 8:45 am]

BILLING CODE 4160–01–M

INTER-AMERICAN FOUNDATION

22 CFR Part 1007

Claims Collection; Salary Offset

AGENCY: Inter-American Foundation.

ACTION: Final rule.

SUMMARY: This final rule implements the collection procedures of the Debt Collection Act of 1982, Public Law 97–365, codified in 5 U.S.C. 5514, which authorize the federal government to collect debts owed by a federal employee to the United States through salary offset.

EFFECTIVE DATE: This final rule is effective February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Adolfo A. Franco, Deputy General Counsel, 1515 Wilson Boulevard, Rosslyn, VA 22209, (703) 841–3894.

SUPPLEMENTARY INFORMATION: Under the Debt Collection Act of 1982, when the head of a federal agency determines that an employee of an agency is indebted to the United States or is notified by a head of another federal agency that an agency employee is indebted to the United States, the employee's debt may be offset against his or her salary. Certain due process rights must be afforded to an employee before salary offset deductions begin. As is required by the Debt Collection Act of 1982, this regulation is consistent with salary offset regulations issued by the Office of Personnel Management on July 3, 1984, 40 FR 27470, codified in 5 CFR part 560, subpart K.

A proposed rule was published in the August 9, 1991, **Federal Register** (56 FR 37866), allowing interested persons until September 9, 1991, to file written comments. Because no comments were received, no changes were made to the final rule.

Paperwork Reduction Act

Under section 3518 of the Paperwork Reduction Act of 1980, 5 CFR 1320.3(c), the information collection provisions contained in these regulations are not subject to review and approval by the Office of Management and Budget.

Executive Order 12291

This rule has been reviewed and determined not to be a "major rule" as defined in Executive Order 12291 dated February 17, 1981, because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individuals, industries, federal, state, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule applies only to individual federal employees. It will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Public Law 96–354, 5 U.S.C. 805(b). Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 22 CFR Part 1007

Administrative Offset, Administrative practice and procedure, Claims, Debt collection, Government employees, and Wages.

For the reasons set out in the Preamble, chapter X of title 22 of the Code of Federal Regulations is amended by adding part 1007 to read as follows:

PART 1007—SALARY OFFSET

1007.1 Purpose and scope.
1007.2 Definitions.
1007.3 Applicability.
1007.4 Notice requirements.
1007.5 Hearing.
1007.6 Written decision.
1007.7 Coordinating offset with another Federal Agency.
1007.8 Procedures for salary offset.
1007.9 Refunds.
1007.10 Statute of limitations.
1007.11 Non-waiver of rights.
1007.12 Interest, penalties, and administrative costs.

Authority: 5 U.S.C. 5514, E.O. 12107, 3 CFR, 1978 Comp., p. 264; 5 CFR part 550, subpart K, and 22 U.S.C. 290f(e)(11).

§ 1007.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the federal government. These regulations apply to all federal employees who owe debts to the Inter-American Foundation (IAF) and to current employees of the Inter-American Foundation who owe debts to other federal agencies. This regulation does not apply when the employee consents

to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

(1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 *et seq.*;

(2) The Social Security Act, 42 U.S.C. 301 *et seq.*;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) This regulation does not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the Federal Claims Collection Act, 31 U.S.C. 3711 *et seq.*, 4 CFR parts 101 through 105, 45 CFR part 1177.

(e) This regulation does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774 or 32 U.S.C. 716 or in any way questioning the amount or validity of the debt by submitting a subsequent claim to the General Accounting Office. This regulation does not preclude an employee from requesting a waiver pursuant to other statutory provisions applicable to the particular debt being collected.

(f) Matters not addressed in these regulations should be reviewed in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 *et seq.*

§ 1007.2 Definitions.

For the purposes of the part, the following definitions will apply:

Agency means an executive agency as defined at 5 U.S.C. 105 including the U.S. Postal Service, the U.S. Postal Commission, a military department as defined at 5 U.S.C. 102, an agency or court in the judicial branch, an agency of the legislative branch including the U.S. Senate and House of Representatives and other independent establishments that are entities of the Federal government.

Creditor Agency means the agency to which the debt is owed.

Debt means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interests, fines, forfeitures (except those arising under the Uniform Code of Military Justice), and all other similar sources.

Disposable pay means the amount that remains from an employee's federal pay after the required deductions for social security, federal, state or local income tax, health insurance premiums, retirement contributions, life insurance premiums, federal employment taxes, and any other deductions that are required to be withheld by law.

Hearing official means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the President of the Inter-American Foundation.

Paying Agency means the agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

President means the President of the Inter-American Foundation or the President's designee.

Salary offset means an administrative offset to collect a debt pursuant to 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

§ 1007.3 Applicability.

(a) These regulations are to be followed when:

(1) The Inter-American Foundation is owed a debt by an individual currently employed by another federal agency;

(2) The Inter-American Foundation is owed a debt by an individual who is a current employee of the Inter-American Foundation; or

(3) The Inter-American Foundation employs an individual who owes a debt to another federal agency.

§ 1007.4 Notice requirements.

(a) Deductions shall not be made unless the employee is provided with written notice, signed by the President, of the debt at least 30 days before salary offset commences.

(b) The written notice shall contain:

(1) A statement that the debt is owed and an explanation of its nature and amount;

(2) The agency's intention to collect the debt by deducting from the employee's current disposable pay account;

(3) The amount, frequency, proposed beginning date, and duration of the intended deduction(s);

(4) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with the Federal Claims Collections Standards at 4 CFR 101.1 *et seq.*;

(5) The employee's right to inspect, request, and receive a copy of government records relating to the debt;

(6) The opportunity to establish a written schedule for the voluntary repayment of the debt;

(7) The right to a hearing conducted by an impartial hearing official;

(8) The methods and time period for petitioning for hearings;

(9) A statement that the timely filing of a petition for a hearing will stay the commencement of collection proceedings;

(10) A statement that a final decision on the hearing will be issued not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) A statement that knowingly false or frivolous statements, representations, or evidence may subject the employee to appropriate disciplinary procedures;

(12) A statement of other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

§ 1007.5 Hearing.

(a) *Request for hearing.* (1) An employee must file a petition for a hearing in accordance with the instructions outlined in the agency's notice to offset.

(2) A hearing may be requested by filing a written petition addressed to the President of the Inter-American Foundation stating why the employee disputes the existence or amount of the debt. The petition for a hearing must be received by the President no later than fifteen (15) calendar days after the date of the notice to offset unless the employee can show good cause for failing to meet the deadline date.

(b) *Hearing procedures.* (1) The hearing will be presided over by an impartial hearing official.

(2) The hearing shall conform to procedures contained in the Federal Claims Collection Standards, 4 CFR

102.3(c). The burden shall be on the employee to demonstrate that the existence or the amount of the debt is in error.

§ 1007.6 Written decision.

(a) The hearing official shall issue a written opinion no later than 60 days after the hearing.

(b) The written opinion will include: a statement of the facts presented to demonstrate the nature and origin of the alleged debt; the hearing official's analysis, findings and conclusions; the amount and validity of the debt, and the repayment schedule.

§ 1007.7 Coordinating offset with another Federal agency.

(a) *The Inter-American Foundation as the creditor agency.* (1) When the President determines that an employee of another federal agency owes a delinquent debt to the Inter-American Foundation, the President shall as appropriate:

(i) Arrange for a hearing upon the proper petitioning by the employee;

(ii) Certify to the paying agency in writing that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date the Government's right to collect the debt accrued, and that Foundation regulations for salary offset have been approved by the Office of Personnel Management;

(iii) If collection must be made in installments, the President must advise the paying agency of the amount or percentage of disposable pay to be collected in each installment;

(iv) Advise the paying agency of the actions taken under 5 U.S.C. 5514(b) and provide the dates on which action was taken unless the employee has consented to salary offset in writing or signed a statement acknowledging receipt of procedures required by law. The written consent or acknowledgment must be sent to the paying agency;

(v) If the employee is in the process of separating, the Foundation must submit its debt claim to the paying agency as provided in this part. The paying agency must certify any amounts already collected, notify the employee, and send a copy of the certification and notice of the employee's separation to the Inter-American Foundation. If the paying agency is aware that the employee is entitled to payments from the Civil Service Retirement and Disability Fund or similar payments, it must certify to the agency responsible for making such payments the amount of the debt and that the provisions of 5 CFR 550.1108 have been followed; and

(vi) If the employee has already separated and all the payments due from the paying agency have been paid, the President may request unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset.

(b) *The Foundation as the paying agency.* (1) Upon receipt of a properly certified debt claim from another agency, deductions will be scheduled to begin at the next established pay interval. The employee must receive written notice that the Inter-American Foundation has received a certified debt claim from the creditor agency, the amount of the debt, the date salary offset will begin, and the amount of the deduction(s). The Inter-American Foundation shall not review the merits of the creditor agency's determination of the validity or the amount of the certified claim.

(2) If the employee transfers to another agency after the creditor agency has submitted its debt claim to the Inter-American Foundation and before the debt is collected completely, the Inter-American Foundation must certify the total amount collected. One copy of the certification must be furnished to the employee. A copy must be furnished to the creditor agency with notice of the employee's transfer.

§ 1007.8 Procedures for salary offset.

(a) Deductions to liquidate an employee's debt will be by the method and in the amount stated in the President's notice of intention to offset as provided in § 1007.4. Debts will be collected in one lump sum where possible. If the employee is financially unable to pay in one lump sum, collection must be made in installments.

(b) Debts will be collected by deduction at officially established pay intervals from an employee's current pay account unless alternative arrangements for repayment are made.

(c) Installment deductions will be made over a period not greater than the anticipated period of employment. The size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. The deduction for the pay interval for any period must not exceed 15% of disposable pay unless the employee has agreed in writing to a deduction of a greater amount.

(d) Unliquidated debts may be offset against any financial payment due to a separated employee including but not limited to final salary or leave payments in accordance with 31 U.S.C. 3716.

§ 1007.9 Refunds.

(a) The Inter-American Foundation will refund promptly any amounts deducted to satisfy debts owed to the IAF when the debt is waived, found not owed to the IAF, or when directed by an administrative or judicial order.

(b) The creditor agency will promptly return any amounts deducted by IAF to satisfy debts owed to the creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this subsection shall not bear interest.

§ 1007.10 Statute of limitations.

If a debt has been outstanding for more than 10 years after the agency's right to collect the debt first accrued, the agency may not collect by salary offset unless facts material to the Government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

§ 1007.11 Non-waiver of rights.

An employee's involuntary payment of all or any part of a debt collected under these regulations will not be construed as a waiver of any rights that employee may have under 5 U.S.C. 5514 or any other provision of contract or law unless there are statutes or contract(s) to the contrary.

§ 1007.12 Interest, penalties, and administrative costs.

Charges may be assessed for interest, penalties, and administrative costs in accordance with the Federal Claims Collection Standards, 4 CFR 102.13.

Dated: January 16, 1992.

Adolfo A. Franco,

Acting General Counsel, Inter-American Foundation.

[FR Doc. 92-1712 Filed 1-23-92; 8:45 am]

BILLING CODE 7025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8255]

RIN 1545-AM45

Reimbursement to State and Local Law Enforcement Agencies

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the temporary regulations (T.D. 8255), which were published Tuesday, May 16, 1989 (54 FR 21053). The regulations provided guidance to State and local law enforcement agencies in applying for reimbursement of expenses incurred in an investigation where resulting information furnished by the agency to the Service substantially contributed to the recovery of Federal taxes with respect to illegal drug or related money laundering activities.

EFFECTIVE DATE: May 16, 1989.

FOR FURTHER INFORMATION CONTACT: Gail M. Winkler (202) 566–4442 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these corrections relate to reimbursement of expenses to State and local law enforcement agencies under section 7624 of the Internal Revenue Code of 1986. The provision was added to the Code by section 7602 of the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690, 102 Stat. 4181, 4507–08 (1988)).

Need for Correction

As published, the temporary regulations contain errors which are in need of clarification.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Alimony, Bankruptcy, Child support, Continental shelf, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Oil pollution, Penalties, Pensions, Reporting and recordkeeping requirements, Statistics, Taxes.

PART 301—PROCEDURE AND ADMINISTRATION

Accordingly, 26 CFR part 301 is corrected by making the following correcting amendments:

1. The authority citation for part 1 continues to read as follows:

Authority: Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805 * * * Section 301.7624–1T also issued under 26 U.S.C. 7624.

§ 301.7624–1T [Corrected]

2. Section 301.7624–1T is amended as follows:

a. In the flush material following paragraph (b)(1)(ii), the first phrase is revised to read "For purposes of this paragraph (b),".

b. Paragraph (f) is revised by removing the language "7624".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–1724 Filed 1–23–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 860

Contractor's Flight Operations

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending title 32, chapter VII of the CFR by removing part 860, Contractor's Flight Operations. This rule is removed because it has limited applicability to the general public. This action is the result of departmental review. The intended effect is to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Patsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIA, Pentagon, Washington, DC 20330–1000, telephone (703–614–3431).

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 860

Government contractor's flight operations.

Authority: 10 U.S.C. 8013.

PART 860—[REMOVED]

Accordingly, 32 CFR, chapter VII, is amended by removing part 860.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92–1779 Filed 1–23–92; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD2–91–07]

Drawbridge Operation Regulations; Green River, KY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This action amends the drawbridge operating regulations governing the Paducah and Louisville Railroad Drawbridge on the Green River, Mile 94.8, at Rockport, Kentucky, to permit operation of the bascule span from a remote location.

EFFECTIVE DATE: This rule is effective on February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, 314–539–3724.

SUPPLEMENTARY INFORMATION: On November 6, 1991, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** at 56 FR 56610. Interested persons were invited to participate in this rulemaking by submitting written views, comments, data, or arguments no later than December 23, 1991. One comment was received.

Drafting Information

The drafters of this notice are Wanda G. Renshaw, Project Officer, Commander(ob), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63103–2832, and Lieutenant Michael A. Suire, Project Attorney, Commander(dl), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63103–2832.

Discussion of Comment and Regulation

The single comment received expressed full support for the proposed rule. Consequently no changes have been made to the proposed rule. Under the prior regulations, when the vertical clearance beneath the closed drawspan was less than 34 feet, the drawspan was raised and kept in the open-to-navigation position. While open, bridge closures were automatically activated by approaching trains. When a train approached the open bridge, it activated a series of sound and visual signals that warned approaching vessels that the drawspan was about to close to allow passage of a train. When there was 34 feet or more beneath the closed drawspan, it was maintained in the closed-to-navigation position. When closed, mariners were required to give eight hours advance notice to the railroad in order to have the span opened. The advance notice was required to allow sufficient time for the railroad to send a drawtender to the bridge from Central City, Kentucky.

The Paducah and Louisville Railroad requested Coast Guard approval to install equipment at the bridge and in the train dispatcher's office that allows operation of the span from the rail

facility in Paducah, Kentucky. The drawspan will now be maintained in the closed position at all river stages and remotely opened only upon receipt of a request from an approaching vessel. Direct radio contact between the vessel and the train dispatcher will be established and maintained until the vessel clears the bridge. Communications will be by full-frequency-range VHF radio in the dispatcher's office. Communications between the vessel and the dispatcher are enhanced with a directional VHF antenna installed on a 275-foot tower in the Paducah and Louisville rail yard located at Central City, Kentucky. The tower and antenna are about seven miles southwest of the bridge, and the antenna is linked to the radio at Paducah by microwave. The radio will be continuously monitored by trained dispatchers on duty 24 hours a day.

The drawspan in the closed position provides 41.3 feet vertical clearance at pool stage. The majority of vessels navigating the Green River are able to pass under the closed span at pool stage. The Railroad has calculated that train crossings exceed vessel transits by a factor of ten. During those periods when the vertical clearance was less than 34 feet and the drawspan maintained in the open position, the span was opened and closed 10 to 14 times a day for train crossings, resulting in high energy consumption as well as increased wear and tear on the bridge structure and machinery. Remote operation of the bridge will eliminate delays to vessels caused by late arrival of the drawtender as well as eliminate the need for vessels that are delayed by weather or mechanical causes to provide an additional 8 hour notification for a bridge opening. This action will improve the operation of the drawbridge because the vessel operator will be in direct communication with the person who will actually open the bridge.

Federalism Assessment and Certification

This action has been analyzed in accordance with the principles and criteria outlined in Executive Order 12612, and it does not have sufficient federalism implications to warrant preparation of a Federalism Assessment. This action simplifies operation of the drawspan by maintaining the span in the closed to navigation position and only opening the span when requested by radio from an approaching vessel. The proposal will eliminate the requirement for providing advance notification to open the bridge at low water stages, and enable the bridge to be operated like a manned drawspan by establishing constant communication between the vessel operator and the person who controls the bridge opening.

Environmental Assessment and Certification

This action has been reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures, COMDTINST M16475.1B. A copy of the Categorical Exclusion Certification is available for review on the docket.

Economic Assessment and Certification

This action has been reviewed under the provisions of Executive Order 12291 and determined not to be a major rule. In addition, these regulations are considered to be nonsignificant under the guidelines of DOT Order 2100.5 dated May 22, 1980, Policies and Procedures for Simplification, Analysis, and Review of Regulations. An economic evaluation has not been conducted and is deemed unnecessary as the impact of these regulations is expected to be minimal. This rule allows the span to be maintained in the closed to navigation position, and only be opened for the passage of vessels after a request is made by radio. It will eliminate the need for advance notice to open the bridge at low water stages, and enable the bridge to be operated like a manned drawspan by establishing constant communication between the vessel operator and the person who controls the bridge opening. Pursuant to 5 U.S.C. 601, et seq., Regulatory Flexibility Act, it is certified that these regulations will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 33 CFR Part 117

Bridges.

Final Regulation

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS [AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Part 117 is amended by revising § 117.415(c) to read as follows:

§ 117.415 Green River.

* * * * *

(c) The bascule span of the Paducah and Louisville Railroad Bridge, Mile 94.8 at Rockport, is maintained in the closed position and is remotely operated. Bridge clearance in the closed position in 41.3 feet at pool stage. Vessels requiring more clearance for passage must contact the remote bridge operator by radio telephone to request opening. The bridge operator will confirm by radiotelephone whether the bridge can be opened safely and promptly. If rail traffic is on or approaching the bridge, the bridge operator will advise the vessel that the bridge cannot be opened, and provide an approximate time when the bridge can be opened safely. Continuous radio contact between the bridge operator and the vessel shall be maintained until the vessel has transited and cleared the bridge.

Dated: January 10, 1992.

James L. Walker,

Captain, U.S. Coast Guard, Commander, Second Coast Guard District, Acting.

[FR Doc. 92–1785 Filed 1–23–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6919

[CO–930–4214–10; COC–06298]

Partial Revocation of Public Land Order 1825; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 10 acres of National Forest System land withdrawn for use as a picnic area. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land under the General Exchange Act of 1922. This action will open the land to such forms of disposition as may by law be made of National Forest System land. The land is temporarily closed to mining by a Forest Service exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: January 24, 1992.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 1825, which withdrew National Forest System land for use as a picnic area, is hereby revoked insofar as it affects the following described land:

Sixth Principal Meridian

Arapaho National Forest

T. 5 S., R. 76 W.,
Sec. 28, SW¼SW¼SE¼.

The area described contains 10 acres in Summit County.

2. At 9 a.m. on February 24, 1992, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: January 16, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92–1771 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–JB–M

43 CFR Public Land Order 6920

[CO–930–4214–10; COC–0102703]

Public Land Order No. 6894, Correction; Withdrawal of Public Lands and National Forest System Lands for the Fryingpan-Arkansas Project; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct errors in acreage and land descriptions in Public Land Order No. 6894.

EFFECTIVE DATE: January 24, 1992.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

The acreages and land descriptions in Public Land Order No. 6894, 56 FR 52211–52212, October 18, 1991, FR Doc. 91–25328, are hereby corrected as follows:

In SUMMARY on page 52211, second column, the line which reads "SUMMARY: This order withdraws 2,122.58" is hereby corrected to read "SUMMARY: This order withdraws 2,222.58".

In SUMMARY on page 52211, second column, line 13 of the SUMMARY, which reads "797.34 acres of public lands are" is hereby corrected to read "897.34 acres of public lands are".

In paragraph 1, third column, line 10, which reads "Sec. 19, lot 46;" is hereby corrected to read "Sec. 19, lot 46, NE¼SE¼, E½NW¼SE¼, and SW¼SE¼;".

In paragraph 1, third column, line 28, which reads "approximately 797.34 acres of public lands" is hereby corrected to read "approximately 897.34 acres of public lands".

Dated: January 16, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92–1774 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–JB–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 88–2, Phase I; FCC 91–382]

Filing and Review of Open Network Architecture Plans

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Bell Operating Companies (BOCs) filed further amendments to their Open Network Architecture (ONA) plans pursuant to the Commission's BOC ONA Amendment Order, (55 FR 27468 (July 3, 1990)). The Commission adopted a Memorandum Opinion and Order generally approving the further amendments to the BOC ONA plans submitted by the BOCs. The Commission also required the BOCs to file further amendments, and it established new annual reporting requirements in a number of areas. The Commission concluded that these amendments and annual reports will permit the Commission to ensure continuing BOC progress in the provision of new ONA services and new technical capabilities to enhanced service providers (ESPs).

EFFECTIVE DATE: February 24, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rose Crellin, Policy and Program Planning Division, Common Carrier Bureau (202) 632–9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, FCC 91–382, adopted November 21, 1991, and released December 19, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422.

Summary of Memorandum Opinion and Order

1. The Bell Operating Companies (BOCs) filed initial Open Network Architecture (ONA) plans on February 1, 1988, pursuant to the Phase I Order, (51 FR 24350 (July 3, 1986)). Under the ONA requirements set forth in that order, the BOCs were required to unbundle basic service building blocks and offer all enhanced service providers (ESPs) equal access to these unbundled network elements. On November 17, 1988, the Commission adopted the BOC ONA Order (54 FR 3453 (Jan. 24, 1989)), approving in part the ONA plans of each of the BOCs. The Commission also ordered the BOCs to file ONA plan amendments, by May 19, 1989, addressing specifically identified deficiencies.

2. On April 12, 1990, the Commission approved the BOCs' amended ONA plans, subject to certain conditions (BOC ONA Amendment Order, 55 FR 27468 (July 3, 1990)). The Commission directed the BOCs to file minor amendments by July 15, 1990, and to submit further amendments by April 15, 1991 for Commission approval. In addition, the Commission stated that it would continue to oversee ONA development, and that it would continue to monitor the evolution of ONA with periodic reports, further amendments, or other actions.

3. In response to the amendments filed by the BOCs in July 1990 and April 1991, the Commission adopted a Memorandum Opinion and Order (FCC 91–382, adopted November 21, 1991). The Commission generally found that the BOCs' further amendments were responsive to the requirements of the

BOC ONA Amendment Order. The Commission determined that the BOCs' further amendments reflect BOC active participation in Information Industry Liaison Committee (IILC) activities, and progress in developing and providing evolutionary ONA services to ESPs within the ONA model that the Commission adopted in the BOC ONA Order. The Commission required the BOCs to make further amendments to their ONA plans, and established new annual reporting requirements to enable the Commission to monitor the BOCs' progress in providing ONA capabilities to ESPs.

4. The Commission required that once structural separation requirements are removed for a BOC, it must amend its ONA plan prior to offering an enhanced service that uses a basic serving arrangement (BSA), basic service element (BSE), or complementary network service (CNS) other than those listed in its approved ONA plan.

5. The Commission also required each BOC to amend its ONA plan by February 14, 1992, to include: (1) A description of its plans for the unbundling of Signaling System 7 (SS7), Integrated Services Digital Network (ISDN), and Intelligent Network (IN), and generally how these services will fit into the ONA framework; and (2) a description of changes to its customer proprietary network information (CPNI) plan that it makes to reflect the Commission's modified CPNI requirement adopted in the BOC Safeguards Order (FCC 91-381, adopted November 21, 1991), including changes to the multiline CPNI notification form, procedures for customer authorization of CPNI access by the BOCs' own enhanced services marketing personnel and by other ESPs, and procedures for restricting unauthorized access to a customer's CPNI.

6. The Commission required each BOC to amend its ONA Plan by April 15, 1992, to include: (1) A description of changes in its databases that are password/ID or otherwise restricted from access by BOC enhanced services marketing personnel to reflect the Commission's modified CPNI requirement adopted in the BOC Safeguards Order; and (2) additional CNSs that will be offered as BSEs.

7. The Commission required each BOC to report on the following initially by April 15, 1992, and on or before April 15 annually thereafter: (1) Annual projected deployment schedules for its ONA services by type of ONA service (BSA, BSE, CNS, or ancillary network service (ANS)) in terms of percentage of access lines served system-wide and by market-area. The April 15, 1992 report should cover the years beginning July 1, 1993, 1994, and 1995. Subsequent reports should cover the three-year period for the three corresponding future years; (2) new ONA service requests from ESPs and their disposition, and disposition of ONA service requests that have previously been designated for further evaluation; (3) those ONA service requests previously deemed technically infeasible, and their disposition; (4) projected deployment of SS7, ISDN, and IN in terms of percentage of access lines served system-wide and on a market-area basis. SS7 data should be reported by Technical Reference (TR) 317 and TR 394, ISDN data by basic rate interface (BRI) and primary rate interface (PRI), and IN data by release number or other designation by type; (5) new ONA services available through SS7, ISDN and IN, and plans to provide these services; (6) progress on the efforts in the IILC on continuing activities for the implementation of service-specific and long-term uniformity issues; (7) progress in providing billing information, including billing name and address (BNA), line-side calling number identification (CNI), or possible CNI alternatives, and call detail services to ESPs; (8) progress in developing and implementing OSS services and ESP access to those services; (9) progress on the uniform provision of ESP access to operations support systems (OSS); and (10) a list of BSEs used in the provision of BOC's own enhanced services.

8. The Commission required the BOCs by March 31, 1992, and every six months thereafter, to work through the IILC: (1) To develop one consolidated nationwide matrix of BOC ONA services and state and federal ONA tariffs, and file the matrix with the Commission; (2) to file computer diskettes and printouts of data regarding state and federal tariffs; (3) to file a printed copy and computer diskette of the ONA Services User Guide; (4) to file updated information contained in appendix A of the January 31, 1991 Cross Reference Guide on ESP requests received and how they were addressed by the BOCs with details and matrices; (5) to file updated information contained in appendix B of the January 31, 1991 Cross Reference Guide on BOC responses to the requests and to the matrix; and (6) to file updated information contained in appendix C of the January 31, 1991 Cross Reference Guide on services offered by the BOC in response to the requests.

Ordering Clauses

1. *It is hereby ordered,* that pursuant to Sections 1, 4(i) and (j), 201, 202, 203, 205, 214, 218, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. § § 151, 154(i) and (j), 201, 202, 203, 205, 214, 218, and 403, the BOC ONA Plan Further Amendments of Ameritech, Bell Atlantic, BellSouth, NYNEX, Pactel, SWBT, and US West are approved, subject to the conditions described herein.

2. *It is further ordered* that the BOCs must provide the reports and amendments as described herein.

List of Subject in 47 CFR Part 64

Communications common carriers; Computer technology.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-1690 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-231; RM-6706, RM-6406, RM-5381, RM-5604, RM-7459, RM-7325, RM-5094, RM-7372]

Radio Broadcasting Services; Shreveport, Bastrop, Homer, Mansfield, Ruston, Vivian and Jonesboro, LA; El Dorado and Stamps, AR; Atlanta, Henderson, Hooks and San Augustine, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 259C2 for Channel 261A at Shreveport, Louisiana, and modifies the license of Station KMJJ-FM, Channel 261A, Shreveport, Louisiana, to specify operation on Channel 259C2. The reference coordinates for the Channel 259C2 allotment at Shreveport are 32-32-30 and 93-48-06. This document also makes related channel allotments at Atlanta, Texas; El Dorado, Arkansas; Hooks, Texas; Henderson, Texas; Jonesboro, Louisiana; Mansfield, Louisiana; Stamps, Arkansas; Bastrop, Louisiana; Homer, Louisiana; Vivian, Louisiana; and San Augustine, Texas.

DATES: Effective March 2, 1992; the window period for filing applications for the Channel 238A allotment at Stamps, Arkansas, and the Channel 284C3 allotment at Mansfield, Louisiana, will open on, March 3, 1992, and close on April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Third Report and Order, MM Docket No. 84-

231, adopted December 20, 1991, and released January 14, 1992.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Louisiana by removing Channel 261A and adding Channel 259C2 at Shreveport; by removing Channel 239A and adding Channel 287A at Vivian; by removing Channel 260A and adding Channel 272A at Homer; by removing Channel 285A and adding Channel 285C3 at Jonesboro; and by adding Channel 284C3 at Mansfield.

3. Section 73.202(b), the Table of FM Allotments, is amended under Arkansas by removing Channel 257A and adding Channel 254C3 at El Dorado; and by adding Channel 238A at Stamps.

4. Section 73.202(b), the Table of FM Allotments, is amended under Texas by removing Channel 257A and adding Channel 261C2 at Atlanta, by removing Channel 240A and adding Channel 240C3 at Hooks; by removing Channel 261A and adding Channel 260A at Henderson; and by removing Channel 260A and adding Channel 223A at San Augustine.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-1446 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-440; RM-6763]

Radio Broadcasting Services; Texarkana, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 292C2 for 292A at Texarkana, Arkansas, and modifies the permit of State Line County Broadcasting Company for Station KUKB to specify operation on the higher class channel. See 54 FR 41465 (October 10, 1989). Channel 292C2 can be allotted to Texarkana in compliance with the Commission's minimum distance separation requirements with a site restriction of 16.5 kilometers (10.3 miles) southeast at petitioner's requested site at coordinates 33-18-05 and 93-57-10. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 2, 1992.

FOR FURTHER INFORMATION CONTACT: Arthur Scrutchins, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-440, adopted January 9, 1991, and released January 21, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 292A and adding Channel 292C2 at Texarkana.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-1816 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 911176-2018]

Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice of 1992 initial specifications of groundfish and Pacific halibut bycatch management measures; directed fishing allowances; prohibition of directed fishing; and request for comments.

SUMMARY: NMFS announces initial specifications of groundfish in the Gulf of Alaska (GOA) for the 1992 fishing year and determinations pertaining to management of the GOA groundfish fisheries during 1992. This action is necessary to inform the public of the determinations. The measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Effective 00:01 hours a.m., Alaska local time (a.l.t.), January 20, 1992. Comments are invited on the apportionments of reserves on or before February 3, 1992.

ADDRESSES: Comments on the apportionments of reserves, or directed fishery closures should be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 021668, Juneau, AK 99802. Copies of an environmental assessment (EA) may also be obtained from this address. The final Stock Assessment and Fishery Evaluation (SAFE) report, dated November 1991, may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Fishery Management Biologist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: .

Background

This notice announces for the 1992 fishing year: (1) Total allowable catches (TACs) for each category of groundfish in the GOA and apportionments thereof to domestic annual processing (DAP); (2) apportionment of reserves to DAP; (3) assignments of the sablefish TAC to authorized fishing gear users; (4) prohibitions of directed fishing; (5) prohibited species catch (PSC) limits relevant to fully utilized groundfish species; (6) Pacific halibut PSC mortality limits; and (7) seasonal apportionments of the Pacific halibut PSC limits. Each of these measures is discussed as follows:

The process for determining TACs for groundfish species in the GOA is established by regulations implementing the FMP which was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations

implementing the FMP appear at 50 CFR 611.92 and part 672. The sum of the TACs for all species must fall within the combined optimum yield (OY) range established for these species of 116,000–800,000 metric tons (mt) (§ 672.20(a)(2)(ii)).

Under § 611.92(c)(1) and § 672.20(a)(2)(i), TACs are apportioned initially among DAP, joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves. The DAP amounts are intended for harvest by U.S. fisherman for delivery and sale to U.S. processors. Any JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. Any TALFF amounts are intended for harvest by foreign fishermen. The reserves for the GOA are 20 percent of the TAC for pollock, Pacific cod, flatfish target species categories, and "other species." If necessary, these reserve amounts may be set aside for possible reapportionment to DAP and/or JVP if the initial apportionments prove inadequate. Reserves that are not reapportioned to DAP or JVP may be reapportioned TALFF. Other groundfish target species, including sablefish and the rockfish species, are fully utilized by DAP, and no reserves are established.

The Council met during September 23–28, 1991, and developed recommendations for proposed 1992 TAC specifications for each target species category of groundfish on the basis of the best available scientific information. The Council also recommended other management measures pertaining to the 1992 fishing year.

Under § 672.20(c)(1), Council recommendations were proposed in the **Federal Register** (56 FR 58666; November 21, 1991). No JVP or TALFF amounts were specified. Under § 672.20(c)(1)(i), one-fourth of the proposed specifications and apportionments and one-fourth of the Pacific halibut PSC limits are effective January 1 on an interim basis and are now superseded by this **Federal Register** notice of final specifications.

Written comments on the proposed specifications and other management measures were requested until December 18, 1991. The Director, Alaska Region, NMFS (Regional Director) received no comments.

The Council met December 2–9, 1991, to review the best available scientific information concerning groundfish stocks, and intended industry harvest plans for 1992. The information is contained in the Stock Assessment and Fishery Evaluation Report for the 1992 Gulf of Alaska Groundfish Fishery (SAFE report) dated November 1991, which was prepared and presented by the GOA Plan Team to the Council and to the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). New information contained in the November SAFE report includes the following.

1. For Pollock

Data from the 1991 spring hydroacoustic survey in Shelikof Strait conducted by the Alaska Fisheries Science Center; estimates of catch-at-age from the spring 1991 fishery; annual estimates of weight-at-age from the hydroacoustic survey; and revised estimates of maturity-at-age.

2. For Groundfish, Generally

Data from the NMFS Observer Program Office for 1991; revised estimates of groundfish biomass from the 1990 bottom trawl survey in the GOA; and updated estimates of catch.

The SSC adopted Acceptable Biological Catch (ABC) recommendations from the Plan Team, as provided in the SAFE report, for Pacific cod, deep-water flatfish, shallow-water flatfish, flathead sole, arrowtooth flounder, "other rockfish", shortraker/rougheye rockfish, pelagic shelf rockfish, and demersal shelf rockfish. The SSC recommended different ABCs for pollock, Pacific ocean perch, and thornyhead rockfish. The Council adopted SSC recommendations for the ABC for each target species category except pollock.

The Council recommended that TACs be equal to ABC for Pacific cod, sablefish, shortraker/rougheye rockfish, "other slope rockfish", pelagic shelf rockfish, demersal shelf rockfish, and thornyhead rockfish. The Council recommended that TAC be less than ABC for pollock, deep-water flatfish, shallow-water flatfish, flathead sole, arrowtooth flounder, and Pacific ocean perch.

The sum of the TACs approved by the Council for GOA groundfish is 282,066 mt (Table 1), which is within the OY range specified by the FMP. New information and subsequent actions by the Council for those target species categories for which final ABCs are different from those contained in the final SAFE report are summarized following Table 1. Additional information can be found in the SAFE report.

TABLE 1.—FINAL 1992 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWANCE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW). SPECIFICATIONS OF DOMESTIC ANNUAL PROCESSING (DAP) EQUAL TAC. VALUES ARE IN METRIC TONS

Species	Overfishing level	Area [1]	ABC	TAC=DAP
Pollock	219,000	SH	96,000	19,320
		CH		18,480
		KD		46,200
		W/C [2]		84,000
	8,900	E	3,400	3,400
		Total	99,400	87,400
Pacific cod		W	23,500	23,500
		C	39,000	39,000
		E	1,000	1,000
	87,600	Total	63,500	63,500
Deep water flatfish [3]		W	1,740	1,740
		C	33,550	15,000
		E	3,990	3,000
	51,500	Total	39,280	19,740
Shallow water flatfish [4]		W	27,480	3,000
		C	21,260	7,000
		E	1,740	1,740

TABLE 1.—FINAL 1992 SPECIFICATIONS FOR OVERFISHING LEVELS, ACCEPTABLE BIOLOGICAL CATCHES (ABC), AND TOTAL ALLOWANCE CATCHES (TAC) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHUMAGIN (SH), CHIRIKOF (CH), KODIAK (KD), WEST YAKUTAT (WYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA (GW). SPECIFICATIONS OF DOMESTIC ANNUAL PROCESSING (DAP) EQUAL TAC. VALUES ARE IN METRIC TONS—Continued

Species	Overfishing level	Area [1]	ABC	TAC=DAP
	70,900	Total	50,480	11,740
Flathead sole		W	12,580	2,000
		C	31,990	5,000
		E	3,710	3,000
	63,100	Total	48,280	10,000
Arrowtooth flounder		W	38,880	5,000
		C	253,320	15,000
		E	11,680	5,000
	427,000	Total	303,880	25,000
Sablefish		W	2,500	2,500
		C	9,570	9,570
		WYK	3,740	3,740
		SEO	4,990	4,990
	28,200	Total	20,800	20,800
Other rockfish [5]		W	1,390	1,390
		C	6,510	6,510
		E	6,160	6,160
	20,710	Total	14,060	14,060
Pacific ocean perch [6]		W	1,620	1,470
		C	1,720	1,561
		E	2,390	2,169
	5,730	Total	5,730	5,200
Shortraker/rougheye rockfish [7]		W	100	100
		C	1,290	1,290
		E	570	570
	2,900	Total	1,960	1,960
Pelagic shelf rockfish [8]		W	1,212	1,212
		C	4,393	4,393
		E	1,281	1,281
	11,360	Total	6,886	6,886
Demersal shelf rockfish [9]	732	SEO	550	550
Thornyhead rockfish	2,440	GW	1,798	1,798
Other species [10]	NA	GW	NA	13,432
		TOTAL	656,604	282,066

Footnotes

[1] See figure 1 of § 672.20 for description of regulatory areas/districts.

[2] TAC for W/C Regulatory Area is 84,000 mt, representing the sum of the Shumagin (SH), Chirikof (CH), and Kodiak (KD) districts.

[3] "Deep-water flatfish" means rex sole, Dover sole, and Greenland turbot.

[4] "Shallow-water flatfish" means flatfish not including deep water flatfish, arrowtooth flounder, or flathead sole.

[5] "Other rockfish" in the West Yakutat district and in the Central and Western Regulatory Areas means the 8 species of demersal shelf rockfish listed in footnote #9, below, and the following 17 rockfish species: *Sebastes polyspinis* (northern rockfish), *S. zacentrus* (sharpchin rockfish), *S. aurora* (aurora rockfish), *S. melanostomus* (blackgill rockfish), *S. goodei* (chilipepper rockfish), *S. crameri* (darkblotch rockfish), *S. elongatus* (greenstriped rockfish), *S. variegates* (Harlequin rockfish), *S. wilsoni* (pygmy rockfish), *S. jordani* (shortbelly rockfish), *S. diploproa* (splitnose rockfish), *S. saxicola* (stripetail rockfish), *S. miniatus* (vermilion rockfish), *S. reedi* (yellowmouth rockfish), *S. paucispinis* (bocaccio rockfish), *S. brevispinis* (silvergrey rockfish), and *S. proriger* (redstripe rockfish). "Other rockfish" in the Southeast Outside District means the above 17 species, but excludes the eight species of demersal shelf rockfish listed in footnote number 9 below.

[6] Pacific ocean perch means *Sebastes alutus*.

[7] Shortraker/rougheye rockfish includes 2 species *Sebastes borealis* and *S. aleutianus*, respectively.

[8] "Pelagic shelf rockfish" includes 5 species: *Sebastes melanops* (black rockfish) *S. mystinus*, (bluerockfish) *S. ciliatus* (dusky rockfish) *S. entomelas* (widow rockfish), and *S. flavidus* (yellowtail rockfish).

[9] "Demersal shelf rockfish" includes 8 species: *Sebastes nebulosus* (China rockfish), *S. caurinus* (copper rockfish), *S. maliger* (quillback rockfish), *S. helvomaculatus* (rosethorn rockfish), *S. nigrocinctus* (tiger rockfish), *S. rubemimis* (yelloweye rockfish), *S. pinningera* (canary rockfish), and *S. babcocki* (red banded rockfish).

[10] The category "other species" includes Atka mackerel, sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The TAC is equal to 5 percent of the TACs of the target species.

1. New Information on Acceptable Biological Catch Determinations

Pollock—The exploitable biomass for pollock in the combined Western and Central Regulatory Areas during 1992 is 838,000 mt, which is based on the Stock Synthesis (SS) model. The Plan Team incorporated two revisions to information used for determining 1991 exploitable biomass. First, biomass estimates determined from the 1984, 1987, and 1990 bottom trawl surveys have been revised. This revision was necessary to accommodate differences related to survey methodologies and resulting data obtained from the surveys. Second, estimates of discards occurring in the domestic commercial fishery since 1986 were included. These changes were reflected in the preliminary SAFE report, dated September 1991.

New information about pollock stocks has become available since September. This information includes: (1) Biomass estimates from the 1991 hydroacoustic survey; (2) estimates of catch-at-age from the spring 1991 commercial fishery; (3) annual estimates of weight-at-age from the hydroacoustic survey; (4) revised estimates of maturity-at-age; (5) updated estimates of discard and catch; (6) historical length-frequency data; and (7) an estimate of biomass for the Chirikof statistical area in 1975 that was expanded to provide a GOA-wide estimate.

The Plan Team estimated ABC for pollock to be 108,000 mt, which represents the average expected yield between the years 1992–1994 under a pessimistic recruitment scenario and a fishing strategy in which fishing mortality (F) equals F_{msy}. The SSC

believed that the density-dependent relationship used by the Plan Team was not credibly demonstrated and could not support the F_{msy} derived from the relationship. The SSC further believed that estimating the pollock ABC should continue to be done with caution to reflect uncertainty about the abundance of pollock stocks. The SSC also noted that a conservative exploitation strategy was appropriate because the pollock population biomass continues to decline, and because pollock are important to some marine mammals and sea birds for food. The SSC recommended that the pollock ABC in the Western/Central Regulatory Area be set at 84,000 mt, based on a harvest rate of 10 percent of the estimated pollock biomass at the beginning of the year.

The Council, on reviewing the Plan Team and SSC recommendations, recommended that the ABC for pollock in the combined Western/Central (W/C) Regulatory Area be 96,000 mt. This amount is midway between the Plan Team recommendation of 108,000 mt and the SSC recommendation of 84,000 mt. Nonetheless, the Council adopted the AP recommendation that TAC be 84,000 mt for the combined W/C Regulatory Areas. The Council also adopted the SSC and AP recommendations that specifications for ABC and TAC for pollock in Eastern Regulatory Area should be 3,400 mt.

Regulations that implement Amendment 25 to the FMP allow apportioning the pollock TAC specified for the combined W/C Regulatory Area among the Shumagin, Chirikof, and Kodiak Districts. These are coextensive with Statistical Areas 61, 62, and 63, respectively. Apportionments are proportional to distribution of exploitable biomass as determined by the most recent NMFS biomass surveys. These respective proportions are 23, 22, and 55 percent. Accordingly, respective apportionments would be 19,320 mt, 18,480 mt, and 46,200 mt. Table 1 of this notice establishes these apportionments.

Pacific ocean perch—The exploitable biomass is 229,100 mt based on the average of the 1987 and 1990 trawl surveys. The SSC recommended that ABC be 5,730 mt, using an exploitation rate one-half of that recommended by the Plan Team. The SSC also recommended that the ABC be apportioned among the regulatory areas according to the following amounts: Western—1,620 mt; Central—1,720 mt, and Eastern—2,390 mt. Because the sum of these amounts equaled the amount defined by the FMP to be overfishing, the AP recommended that TACs be established among the regulatory areas as follows: Western—1,470 mt, Central—1,561 mt, and Eastern—2,169 mt. The Council adopted the SSC recommendations for ABC and the AP recommendations for TACs.

Apportionment of TACs

The Council, after adopting the TACs in Table 1, deliberated on the apportionment of the TACs for each category between DAP, JVP, TALFF, and reserve. Based on 1991 harvest levels and expected markets in 1992, the Council determined that the TAC for each target species category will be fully harvested by U.S. fishermen. The Council recommended that DAP be equal to TAC for each target species category. Therefore, no amounts are available for JVP or for TALFF.

NMFS has reviewed the Council's recommendations for ABCs, TACs, and apportionments of TAC to DAP for each target species category and hereby approves and implements these specifications of TAC and DAP under § 672.20(c)(1).

2. Apportionment of Reserves to DAP

Regulations implementing the FMP stipulate that 20 percent of each TAC for pollock, Pacific cod, flatfish species, and the "other species" category be set aside in a reserve for possible reapportionment at a later date (§ 672.20(a)(1)(i)). Because DAP is projected to need all reserve amounts, NMFS is reapportioning reserves for each species category to DAP at this time. By doing so, NMFS is anticipating that the domestic industry will need all of the DAP amounts so specified. The specifications of DAP for pollock, Pacific cod, flatfish categories, and the "other species" category that are shown in Table 1 of this notice reflect DAP totals after apportioning reserves to TAC.

Under § 672.20(d)(5)(iv), the public may submit comments on the apportionments of reserves. Comments should focus on whether, and the extent to which, vessels of the United States will harvest reserve or DAP amounts during the remainder of the year and whether, and the extent to which, U.S. harvested groundfish can or will be processed by U.S. fish processors or received at sea by foreign fishing vessels.

3. Assignments of the Sablefish TAC to Authorized Fishing Gear Users

Sablefish TACs for each of the regulatory areas and districts are further assigned to hook-and-line and trawl gear (Table 2) according to the percentages required by § 672.24(c).

TABLE 2.—SABLEFISH TOTAL ALLOWABLE CATCHES (TACS) IN METRIC TONS, ALLOCATED TO AUTHORIZED GEAR IN THE REGULATORY AREAS AND DISTRICTS OF THE GULF OF ALASKA

Area/district	TAC	Hook-and-line share	Trawl share
Western	2,500	2,000	500
Central	9,570	7,656	1,914
West Yakutat	3,740	3,553	187
Southeast Outside/ East Yakutat	4,990	4,740	250
Total	20,800	17,949	2,851

4. Prohibition of Directed Fishing

(A) Shortraker/Rougheye Rockfish in the Western Regulatory Area

The Regional Director has determined that the TAC for shortraker/rougheye rockfish will be taken as incidental catch to support other directed fisheries for other groundfish species in the Western Regulatory Area.

Under authority of § 672.20(c)(2), the Regional Director is establishing a directed fishing allowance in the Western Regulatory Area of zero mt for shortraker/rougheye rockfish effective January 17, 1992 and prohibits for the remainder of the fishing year directed fishing for shortraker/rougheye rockfish in the Western Regulatory Area. Under § 672.20(g)(3), the operator of a vessel is engaged in directed fishing for shortraker/rougheye rockfish if he retains, at any particular time during a trip, an amount of this species group equal to or greater than 20 percent of all other fish species retained at the same time on the vessel during the same trip.

(B) Sablefish by Vessels Using Trawl Gear in the Central and Western Regulatory Areas

The Regional Director has determined that the amount of the TAC for sablefish assigned to vessels using trawl gear will be taken as incidental catch to support other directed fisheries for other groundfish species in the Western and Central Regulatory Areas.

Under authority of § 672.20(c)(2), the Regional Director is establishing a directed fishing allowance of zero mt for sablefish in the Western and Central Regulatory Areas. This allowance is applicable to vessels using trawl gear, effective January 17, 1992 and prohibits, for the remainder of the fishing year, directed fishing for sablefish in the Western and Central Regulatory Areas. Under § 672.20(g)(1), the operator of a vessel is engaged in directed fishing for

sablefish if he retains at any particular time during a trip an amount of this species equal to or greater than the sum of 15 percent of the aggregate amount of deep-water flatfish and rockfish of the genera *Sebastes* and *Sebastolobus*, plus 5 percent of all other fish species retained at the same time on the vessel during the same trip.

This action is in addition to a closure to directed fishing for sablefish in the Eastern Regulatory Area by vessels using trawl gear. The closure is already required by regulations at 50 CFR 672.24(c)(1).

(C) Pollock in the Eastern Regulatory Area

The Regional Director has determined that the TAC for pollock will be taken as incidental catch to support other directed fisheries for other groundfish species in the Eastern Regulatory Area.

Under authority of § 672.20(c)(2), the Regional Director is establishing a directed fishing allowance in the Eastern Regulatory Area of zero mt for pollock effective January 17, 1992 and prohibits, for the remainder of the fishing year, directed fishing for pollock in the Eastern Regulatory Area. Under § 672.20(g)(3), the operator of a vessel is engaged in directed fishing for pollock if he retains, at any particular time during a trip, an amount of this species group equal to or greater than 20 percent of all other fish species retained at the same time on the vessel during the same trip.

5. PSC Limits Relevant to Fully Utilized Groundfish Species

Under § 672.20(b)(1), if the Secretary determines after consultation with the Council that the TAC for any species or species group will be fully utilized in the DAP fishery, he may specify a groundfish PSC limit applicable to the JVP fisheries for that species or species group.

The Council recommended that DAP equal TAC for each species category. Zero amounts of JVP are available. The Secretary concurs with the Council's recommendation, and has not established any JVP amounts. Therefore, no groundfish PSC limits under § 672.20(b)(1) are necessary. If future apportionments from DAP to JVP occur, the Secretary will also make the necessary determinations under § 672.20(c)(4) for PSC limits at that time.

6. Pacific Halibut PSC Mortality Limits

Under § 672.20(f)(2)(ii), annual Pacific halibut PSC limits are established and apportioned to trawl and hook-and-line gear and may be apportioned to pot gear. For 1992, the Council recommended that 2,000 mt and 750 mt of Pacific halibut mortality be apportioned to trawl and hook-and-line gear, respectively. For purposes of accounting for Pacific halibut bycatch mortality, hook-and-line gear includes jigs.

The Regional Director will use observed halibut bycatch rates and reported groundfish catch to project when the 1992 Pacific halibut PSC limits will be reached during the fishing year. Mortality rates vary, depending on the gear being used. Based on information contained in the SAFE report (November 1991), assumed mortality rates of Pacific halibut that are caught as bycatch are the following: non-pelagic trawl—65 percent; hook-and-line—16 percent; and pot, 10 percent.

The 65 percent mortality rate for trawl-caught Pacific halibut bycatch will result in smaller amounts of Pacific halibut caught before the 2,000 mt cap is reached, compared to the assumed 50 percent mortality rate of previous years. Whether this rate will constrain the groundfish trawl fisheries is speculative. Fishermen are expected to actively change fishing methods in response to a vessel incentive program in which a fisherman is subject to a civil penalty if his observed Pacific halibut bycatch rate exceeds a standard rate specified in regulations. Full harvests of groundfish, subject to market constraints, may occur even under a lower Pacific halibut morality cap.

The Council recommended that pot gear be exempt from accountability for Pacific halibut bycatch mortality for the 1992 fishing year. Groundfish catches by pot gear have been small to date. About 9,700 mt of Pacific cod were caught through December 8, 1991. Observer information, although not substantial, suggests that bycatch mortality is low, about 10 percent of the Pacific halibut caught in pots. Using this rate, NMFS estimates that about 5 mt of Pacific halibut mortality has occurred in the GOA pot fisheries during 1991.

NMFS concurs with the Council's recommendations listed above. The following types of information as presented in, and summarized from, the 1992 SAFE report, or as otherwise available from NMFS, Alaska Department of Fish and Game (ADF&G), the International Pacific Halibut Commission (IPHC), or public testimony have been considered.

(A) Estimated Pacific Halibut Bycatch in Prior Years

The best available information on estimated Pacific halibut bycatch is 1991 data on the groundfish fishery collected by NMFS observers. The total calculated Pacific halibut bycatch mortality by all gear types through November 22, 1991, was 2,864 mt. Resulting mortality by gear type was trawl gear—2,034 mt (71 percent of all mortality), hook-and-line gear—825 mt (29 percent), and pot gear—5 mt (less than 1 percent). In 1991, these amounts constrained groundfish catches in fisheries using hook-and-line gear and trawl gear: hook-and-line fisheries were closed on July 8, 1991, and trawl fisheries were closed on October 14, 1991. Pot gear was exempt from Pacific halibut PSC accountability during 1991.

(B) Expected Changes in Groundfish Catch

The 1992 TACs for pollock, Pacific cod, and flatfish are reduced from 1991. Catches of pollock and Pacific cod during 1991 were larger than the specified TACs for 1992. Actual catches of these two species in 1992 are expected to reach 1992 TACs. Full attainment of the pollock TAC is expected because pollock can be harvested with pelagic trawls. The 1992 TACs for rockfish and flatfish in the aggregate are larger than the 1991 catches. Pacific halibut bycatch may be significant in these fisheries, depending on the time of year and actual species being fished. Because the starting date for the rockfish trawl fishery is expected to be delayed until July 1 for purposes of reducing Pacific halibut bycatches, TACs for each of the rockfish target species categories are expected to be attained. The Pacific halibut PSC mortality limit is expected to constrain trawl fisheries for flatfish.

Sablefish is the only GOA groundfish species that is allocated by gear type. When the hook-and-line fishery was closed on July 8, 1991, all the TAC for sablefish assigned to hook-and-line in the Eastern and Central Regulatory Areas had been caught. In the Western Regulatory Area, 747 mt of sablefish TAC remained unharvested during 1991 because the Pacific halibut PSC assigned to hook-and-line gear had been reached. A shortfall may again occur in 1992.

(C) Expected Changes in Groundfish Stocks

Reductions in the TACs for pollock, Pacific cod, sablefish, and rockfish have resulted from new analyses of information obtained from stock assessments that show decreased biomass estimates, as derived from the 1990 bottom-trawl survey. Except for reduced abundance of rock sole, which is a component of shallow-water flatfish, all flatfish species are at high levels of abundance. A full discussion of

these changes is contained in the final SAFE report.

(D) Current Estimates of Pacific Halibut Biomass and Stock Condition

The most current stock assessment of Pacific halibut biomass from the IPHC indicates that the total exploitable biomass of Pacific halibut available in 1991 was 235.0 million pounds (106,576 mt). This amount represents a decline of 8 percent from 1990, which is a rate slightly higher than the 5–6 percent decline observed in recent years. A substantial decline in recruitment (abundance of 8-year-old fish) was also noted for 1991, an observation that is consistent with cyclical patterns of recruitment that have occurred over the last 50 years. The 1991 13-year-old age class continues to make up a large part of the catch and should continue to influence the catch for several more years. The low recruitment exhibited in recent years in conjunction with an exploitation rate of 0.35 in the commercial fishery can be expected to contribute to a continued decline in the overall stock at a rate of 5–15 percent over the next several years.

(E) Potential Impacts of Expected Fishing for Groundfish on Pacific Halibut Stocks and U.S. Pacific Halibut Fisheries

Impacts of the groundfish fishery on Pacific halibut stocks and the halibut fisheries will be constrained by the overall PSC mortality limit. The 1992 groundfish fisheries are expected to use the entire Pacific halibut PSC limit of 2,750 mt. According to the IPHC, the PSC limit will result in an equal amount of 2,750 mt being deducted from the constant exploitable yield (CEY). The effect of this deduction depends on the CEY as determined by the IPHC. The CEY represents about one-third of the exploitable biomass, based on an exploitation rate of 0.35. The allowable directed commercial catch is determined by subtracting recreational catch and waste and bycatch amounts from the CEY, and then providing the remainder to the directed fishery.

(F) Methods Available for, and Costs of, Reducing Pacific Halibut Bycatches in Groundfish Fisheries

Methods available for reducing Pacific halibut bycatch include (1) reducing amounts of groundfish TACs, (2) reducing the Pacific halibut bycatch rate through vessel incentive programs, (3) gear modifications, (4) changes in groundfish fishing seasons, and (5) reducing the PSC mortality limits. Reductions in groundfish TACs provide no incentives for fishermen to reduce byctach rates. Costs that would be imposed on fishermen as a result of reducing TACs depend on species and amounts of groundfish foregone.

The Council has recommended that NMFS implement regulatory changes that would place all trawl fisheries under the Vessel Incentive Program (VIP) during 1992. This action, if approved by the Secretary, is a change from existing regulations that only include the Pacific cod and rockfish trawl fisheries under the VIP. The proposed expansion of the program is intended to encourage operators of all trawl vessels to take action to reduce Pacific halibut bycatch rates such that each vessel's rate observed in a fishery during a month would not exceed specified standard bycatch rates. If the standard rate is exceeded, the vessel operator would be subject to civil penalties under the Magnuson Act.

The Council also has recommended that NMFS delay, by regulatory amendment, the start of the trawl fishery for all rockfish target species categories, except demersal shelf rockfish, until July 1. One purpose of the delay is to prohibit the rockfish trawl fishery until such time when Pacific halibut would have migrated into shallower water, thereby escaping the rockfish trawl fishery, which largely is conducted at depths through which Pacific halibut migrate during late winter and spring months. If this regulation is implemented, fewer Pacific halibut might be caught as bycatch in the rockfish trawl fishery, providing more Pacific halibut PSC to support other trawl fisheries.

The start of the sablefish hook-and-line fishery is May 15, as it was in 1991. The purpose of this date is to allow sufficient time for most Pacific halibut to migrate into shallower water and thereby escape the sablefish fishery, which is primarily conducted in deep water. During 1991, observed bycatch rates in the sablefish fishery were lower in each management area during May than corresponding rates in the same areas during April in 1990. During June, bycatch rates increased. Although the reason for the increase is not certain, overcrowding on the fishing grounds may have caused some fishermen to fish in shallower water where Pacific halibut would be more prevalent in June, causing the rates to increase.

Regulations at 50 CFR 672.24(b)(2) require groundfish pots to have Pacific halibut exclusion devices to reduce Pacific halibut bycatches by that gear type. Amounts of Pacific halibut PSC that otherwise might have been caught by pots have been made available to trawl and hook-and-line gear, promoting the potential for increased groundfish catches.

While the numerical mortality limits for Pacific halibut have not been reduced, the new assumed mortality rate applied to trawl gear has increased from 50 percent to 65 percent. This increase will result in the trawl mortality limit being reached sooner.

NMFS and the Council will continue to review methods listed under (F) to determine their effectiveness. Changes will be implemented, as necessary, in response to this review, either through regulatory or FMP amendments.

In keeping with the goals and objectives of the FMP to reduce Pacific halibut bycatches while providing opportunity to harvest the groundfish OY, NMFS has approved the assignments of 2,000 mt and 750 mt of Pacific halibut PSC mortality limits to trawl and hook-and-line gear, respectively. The 65 percent mortality rate is expected to result in smaller amounts of halibut being caught before the cap is reached by trawl gear. Whether the cap constrains the groundfish trawl fishery depends, in part, on action taken by vessel operators to reduce Pacific halibut bycatches as they respond to requirements of the current and proposed VIP.

NMFS notes the recommendation made by the Council that a regulatory amendment be implemented that would authorize a PSC mortality limit specifically for the demersal shelf rockfish hook-and-line fishery in the Southeast Outside District of the Eastern Regulatory Area. If this regulatory amendment is approved, a PSC limit of 10 mt is expected to be subtracted from the balance of the overall 750 mt hook-and-line PSC limit. The demersal shelf rockfish hook-and-line fishery is slower paced, and the proposed PSC limit intended for this fishery is expected to result in fuller harvest of demersal shelf rockfish.

7. Seasonal Apportionments of Pacific Halibut PSC Limits

Under § 672.20(f)(2)(iii), the Pacific halibut PSC limits are apportioned based on recommendations from the Council (Table 3), which are the same apportionments that were in effect during the 1991 fishing year. Regulations specify that any overages or shortfalls in PSC catches will be accounted for in the next season within the current fishing year.

TABLE 3.—ALLOCATION OF PACIFIC HALIBUT PSC LIMITS BETWEEN GEAR TYPES

Trawl gear		Hook-and-line gear	
Dates	Amount (mt)	Dates	Amount (mt)
Jan. 1–Mar. 31.	600 (30%)	Jan. 1–May 14.	200 (27%)
Apr. 1–Jun. 30.	600 (30%)	May 15–Aug. 31.	500 (66%)
Jul. 1–Sep. 29.	400 (20%)	Sep. 1–Dec. 31.	50 (7%)
Sep. 30–Dec. 31.	400 (20%)		
Total	2,000 (100%)		750 (100%)

As required by § 672.20(f)(2)(iii), determinations about seasonal allocations of the Pacific halibut PSC limits are based on information found in the SAFE report, or as otherwise available, which is summarized as follows:

(A) Seasonal Distribution of Pacific Halibut

Adult Pacific halibut spawn in deep water during winter months, then migrate to shallow water in summer months and feed. They generally spawn in water 230–450 meters deep from November through March; the peak of spawning is in December and January. During April and May, Pacific halibut migrate onto the offshore banks in water 135–270 meters deep. During June through August, Pacific halibut are found in much shallower water, 45 meters or less. During September and October, Pacific halibut migrate back to deeper water for spawning.

The recommended seasonal trawl apportionments will accommodate intensive fishing for deep-water rockfish and flatfish species, which occurs during the first half of the fishing year when most Pacific halibut will be in deep water. These amounts will also accommodate intensive fishing for Pacific cod. Although Pacific cod is mostly a shallow water species, some juvenile Pacific halibut in shallow water will be caught as bycatch in this fishery. The recommended seasonal hook-and-line apportionments will accommodate intensive fishing for sablefish starting on May 15. Even though Pacific halibut bycatches should be markedly reduced after that date as Pacific halibut migrate into shallower water, the sablefish fishery is so valuable that the industry prefers to have substantial bycatch to support the sablefish fishery.

(B) Seasonal Distribution of Target Groundfish Species Relative to Pacific Halibut Distribution

Most of the groundfish species are found in deep water during winter when water temperatures are relatively warmer (4°C) than temperatures in shallower water (1°C). As detailed in the SAFE report, pollock, Pacific cod, shallow water flatfish species, and certain rockfish species are in deep water during winter but generally at depths shallower than where Pacific halibut are found. In summer, these species are in the same shallow water as Pacific halibut.

In winter, deep-water flatfish, certain rockfish species, and sablefish are found in deep water with Pacific halibut and remain in deep water throughout the year, whereas Pacific halibut move to shallow water in summer. The Council's recommended larger first and second quarterly apportionments of the Pacific halibut PSC limit assigned to trawl gear will accommodate fishing for deep-water flatfish and rockfish species, as well as the Pacific cod fishery, which is in shallower water and has some Pacific halibut bycatch.

(C) Expected Pacific Halibut Bycatch Needs on a Seasonal Basis Relevant to Changes in Pacific Halibut Biomass and Expected Catches of Target Groundfish Species.

TACs for pollock, Pacific cod, sablefish, and flatfish are lower in 1992 than in 1991. Nonetheless, all of the 2,000 mt of Pacific halibut bycatch mortality allocated to trawl gear and the 750 mt allocated to hook-and-line gear are expected to be taken.

The Council has recommended four seasonal apportionments of the Pacific halibut PSC mortality limit for trawl gear that are equal to 30, 30, 20, and 20 percent. These proportions are the same that were in effect during 1991. Most of the trawl share of the Pacific halibut PSC limit is expected to be needed during the first three quarters. The TAC for pollock is allocated quarterly. During the first quarter, most of the pollock harvest will be conducted with pelagic trawls, which take very small amounts of Pacific halibut as bycatch. During the first quarter, most of the Pacific halibut bycatch will occur in trawl fisheries for Pacific cod and flatfish. Pacific halibut bycatch mortality while trawling for deep water species of flatfish could be proportionately higher and require a larger proportion of the halibut seasonal allocation at this time.

The starting date for the rockfish trawl fishery is proposed to be July 1, which is the start of the third quarter. Most of this trawl fishery will be conducted in deep water, whereas Pacific halibut will be in shallower water during the third quarter. A smaller proportion of Pacific halibut (20 percent) is allocated to the third quarter as a result. A smaller proportion of the Pacific halibut PSC mortality limit is needed for trawl fisheries for Pacific cod during the third quarter, because trawl fishing for this species will be minimal while the fish are dispersed. Directed trawl fishing for Pacific cod could occur during the fourth quarter, but by that time Pacific halibut would be expected to have migrated to deeper water. Therefore, bycatch needs of Pacific halibut during the fourth quarter are expected to be smaller during any fourth quarter Pacific cod fishery. Nonetheless, some PSC would be needed to harvest the remaining Pacific cod TAC and to continue fishing for flatfish. The latter will probably be the principal species category available during the fourth quarter.

(D) Expected Variations in Bycatch Rates Throughout the Fishing Year

Pacific halibut bycatch rates will vary with the seasonal distribution of Pacific halibut. During winter months when Pacific halibut are in deep water, groundfish fisheries for deepwater species will result in higher Pacific halibut bycatch rates. Fisheries for shallow-water species will result in lower Pacific halibut bycatch rates. This situation will be reversed during summer months when Pacific halibut are in shallower water. For a given amount of effort, higher by-catch rates would be expected in summer when Pacific halibut commingle with shallow-water species, such as Pacific cod, and in winter when halibut commingle with deep-water species, such as sablefish. Nonetheless, the Council's recommended large first and second quarterly apportionments to trawl gear and large second trimester apportionment to hook-and-line gear reflect expected increases in bycatch rates resulting from higher catches per unit of effort in trawl fisheries for Pacific cod and hook-and-line fisheries for sablefish, respectively.

(E) Expected Changes in Directed Groundfish Fishing Seasons

As of the date of this notice, the only changes in the groundfish fishing seasons pertain to the trawl fishery, which will commence when regulations implementing Amendment 25 are effective. The Council also has recommended that the rockfish trawl fishery be delayed until July 1. Should

the Secretary implement the Council's recommendation for the rockfish fishery, a substantial amount of Pacific halibut PSC is expected to be needed at the start of the third quarter. Because Pacific halibut bycatch is relatively minor in the pollock fishery, the Council's recommended season change for pollock is not a major factor for the Secretary's consideration of Pacific halibut PSC management.

(F) Expected Start of Fishing Effort

Fishing with trawl gear will start for most groundfish species near the end of January. Fishing with hook-and-line and pot gear for Pacific cod might start in early January, because Pacific cod are aggregated into spawning schools, promoting good catch rates. Trawling for rockfish species might start July 1.

(G) Economic Effects of Establishing Seasonal Pacific Halibut Allocations on Segments of the Target Groundfish Industry

The manner in which PSC limits are seasonally apportioned will affect the amount of groundfish OY that will be harvested during a season. Ideally, the seasonal apportionment of Pacific halibut PSC limits will provide the means for each fishery to fully harvest the available resource without exceeding the PSC limits for each gear group. Nonetheless, seasonal apportionments may not allow full harvests. For example, the second trimester allocation of 500 mt of Pacific halibut PSC is intended to support the hook-and-line sablefish fishery, which starts May 15. This amount may not be sufficient to harvest the sablefish TAC. Expressed in pounds and round weight, the resulting shortfall in 1991 was 747 mt of sablefish that cost fishermen about $1.1 million in gross revenue. Hook-and-line fishermen could have also continued to harvest Pacific cod if the closure had not occurred in 1991.

After the trawl fisheries were closed October 14, 1991, upon reaching the PSC limit for Pacific halibut, about 21,000 mt of flatfish target categories (excluding arrowtooth flounder, which is largely a bycatch species) and about 7,700 mt of Pacific cod remained unharvested. Lacking market incentives, some groundfish would not have been harvested, regardless of the closure. Market demand for Pacific cod was strong in 1991, and fishing for Pacific cod likely would have continued. At $0.20 per pound round weight for Pacific cod, trawl fishermen could have lost $3.4 million in gross revenue. A fuller discussion of economic effects is contained in the SAFE report.

NMFS has determined that the Council's recommendation for the seasonal apportionments of the Pacific halibut PSC to gear types is appropriate and, therefore, is implementing the Council's recommendation.

Classification

This action is taken under § 611.92 and § 672.20 and complies with Executive Order 12291. NMFS finds that the purpose of the reserves is to save portions of the TAC in case they were needed by DAP later in the fishing year rather than apportioning them to JVP or TALFF at the beginning of the fishing year. Because the best available information indicates that DAP will harvest all the TAC amounts, no JVP or TALFF specifications have been established. Providing an opportunity for public comment on the apportioning of reserves before actually apportioning them would serve no purpose, when no JVP or TALFF has been established, and therefore is unnecessary. This adjustment is effective January 17, 1992. Comments are invited on the reserve apportionments for 15 days after the date of filing of this notice.

NMFS prepared an environmental assessment on the 1992 TAC specifications, which concludes that no significant impact on the environment will result from their implementation.

NMFS concluded formal Section 7 Consultation on the GOA FMP and fisheries. The biological opinion issued for the consultation concluded that the FMP and fisheries are not likely to jeopardize the continued existence and recovery of any endangered or threatened species under the jurisdiction of NMFS. Implementation of the management measures described in this notice will not affect listed species in a way that was not already considered in the aforementioned biological opinions. NMFS has determined that no further Section 7 Consultation is required for the implementation of these measures.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Dated: January 17, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 911174-2010]

RIN 0648-AE32

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to establish an April 15 opening date for the Pacific whiting season in the exclusive economic zone (EEZ) off Washington, Oregon, and California. This action is intended to maintain the traditional fishing season, prevent potential bycatches of rockfish and salmon south of 39° N. latitude from exceeding current levels, and spread the harvesting and processing of whiting along the entire coast. This action is authorized under the Pacific Coast Groundfish Fishery Management Plan (FMP).

EFFECTIVE DATE: January 17, 1992.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, Rodney R. McInnis at 213-514-6677, or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION: This rule amends the regulations implementing the FMP at 50 CFR 663.23. The FMP contains a socioeconomic framework process that provides the authority, guidelines, and criteria for the Pacific Fishery Management Council (Council) to recommend changes to the implementing regulations to the Secretary of Commerce (Secretary) without further amending the FMP.

Since the FMP was implemented in 1982, the domestic whiting fishery was allowed to start at any time of year. However, there was a restriction on joint venture operations (foreign processing at sea of U.S.-caught fish) prohibiting foreign processing vessels south of 39° N. latitude (near Pt. Arena, California). The traditional whiting fishery, which since 1986 was dominated by joint venture processing, usually started between April and May because whiting, which migrate south to north between March and October, were not predictably available north of 39° N. latitude earlier in the year. Since 1986, shore-based processors, all located north of 39° N. latitude and whose fishing vessels stay relatively close to port to maintain product quality, processed small amounts of whiting in March, and much larger amounts in April and May. In 1991, the high-capacity American at-sea processing fleet totally displaced foreign processing

vessels. The American fleet was not limited to waters north of 39° N. latitude as foreign processors had been. The Council became concerned about the impact that such high levels of effort could have in areas (south of 39°) and times (January-April) that were new to the fishery.

At its September, 1991, meeting the Council considered the analysis and public comments regarding various opening dates for the Pacific whiting fishery. It indicated its preference for an opening between April and May, and preliminarily selected April 15 as the preferred date. At its November meeting, the Council again reviewed the analysis and public testimony, and confirmed its choice of an April 15 opening date for the 1992 fishing year.

In making its recommendation for an April 15 opening date, the Council sought to maintain the fishing patterns of the traditional whiting fishery, to keep the bycatch of rockfish and salmon from increasing over current levels and to spread the harvest and processing of whiting along the coast so that, like the traditional whiting fishery, effort is not concentrated in any particular area. The Council also sought to enhance product quality, yield per recruit, and sustainable yield by delaying the season beyond January 1. A more complete discussion of the proposal, its background, and supporting rationale appears in the preamble to the proposed rule and environmental assessment and regulatory impact review (EA/RIR) available from the Northwest Region, NMFS, or the Council, and is not repeated here.

The Council's initial recommendation for an April 15 opening was published as a proposed rule in the **Federal Register** (56 FR 59241; November 25, 1991). Public comments were requested through December 16, 1991. One public comment was received and is addressed below.

Comments and Responses

Comment: A fisherman delivering to a shore-side processor in Oregon prefers a staggered season of May 1–September 15 for at-sea processing and an April 15 opening for shore-side processors.

Response: The Council has indicated that different opening dates for shore-based and at-sea processors may be considered for the 1993 season. A staggered season was not proposed by the Council or analyzed this year, and is beyond the scope of the proposed rule for this action. Magnuson Act administrative requirements to promulgate a different opening date would make even a May 1 opening for either group unlikely.

The Secretary concurs with the Council's recommendation; the final rule is the same as proposed. An opening on January 1 (status quo) could have severe allocative impacts by enabling the at-sea processing fleet to harvest at times and in areas unavailable to fishermen making shore-based deliveries. An opening after May could severely disadvantage shore-based processors, particularly those in California, who would not be able to make up for lost processing time. An April 15 opening appears to achieve the objectives of maintaining traditional harvesting and processing patterns along the coast, and of keeping the bycatch of salmon and rockfish from exceeding current levels, while providing opportunities for both the shore-based and at-sea processors. An April 15 opening also would occur after the winter spawning season, and could improve yield and product quality relative to a January opening.

To institute season opening dates outside the scope of the proposed rule as suggested by the commenter, the Magnuson Act would require publication of another proposed rule, followed by a public comment period. This could impose serious adverse impacts on the fishery by allowing concentrated fishing effort at the beginning of the year.

Classification

This final rule is published under the authority of section 305(d) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1855(d), and was prepared at the request of the Council. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary for the conservation and management of the Pacific coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law. This rule is based on the best available scientific information.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this final rule. You may obtain a copy of the EA from the Council (see **ADDRESSES**).

NMFS issued a Biological Opinion under the Endangered Species Act (ESA) on August 10, 1990, pertaining to Amendment 4 of the FMP. It concluded that implementation of the FMP would not jeopardize the continued existence of any of the species considered. Consultation was reinitiated on this action at the request of the Council because of substantial changes in the structure of the whiting fishery (the displacement of foreign vessels by domestic at-sea processors, which are able to fish in areas south of 39 degrees N. latitude prohibited to foreign vessels) and renewed concern about salmon bycatch and the resulting effect on Sacramento winter-run chinook salmon. NMFS completed the ESA Section 7 Biological Opinion on this issue on November 26, 1991, which concluded that the whiting fishery, particularly when opening later in the year, is unlikely to jeopardize the continued existence of Sacramento winter-run chinook. This action falls within the scope of that biological opinion.

The Assistant Administrator has determined that this is not a major rule requiring a regulatory impact analysis under Executive Order 12291. This action will not have a cumulative effect on the economy of $100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises. This conclusion is based on the EA/RIR prepared for this rule which indicates that the gross revenues generated from the whiting fishery are not expected to differ substantially as a result of setting an opening date of April 15. The net effect of this rule will be to distribute the impact of the fishery along the coast; it does not guarantee shares to any particularly user group.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 603 *et seq.* This rule would spread the impact of the fishery along the coast without encouraging additional effort early in the year in areas that traditionally have been unexploited by the whiting fleet south of 30° N. latitude. As a result, opportunities for approximately 15 shore-based processors north of 39° N. latitude, who rely predominantly on local concentrations of whiting, will not be precluded by an early fishery in southern waters. (Large at-sea processors are not considered small businesses based on NMFS survey information indicating average annual gross revenues in the range of $8,000,000.)

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The Council has determined that this rule is consistent to the maximum extent practicable with the applicable State coastal zone management programs as required. This determination was submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. The State of Washington concurred in this determination. The States of Oregon and California did not comment within the statutory time period, and therefore consistency is inferred.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

This rule complies with the requirements for general notice and opportunity for interested persons to comment. The 30-day cooling-off period required under the Administrative Procedure Act may be waived if the Secretary finds, for good cause, that the delay in effectiveness is unnecessary, impracticable, or contrary to the public interest. It is essential that this rule be effective as soon as possible after January 1, 1992. Although a January fishery has not occurred in the past, it is not precluded, and there is potential for substantial effort by the at-sea processing fleet before and during the first Alaska pollock season, which currently is scheduled to start in late January. Therefore, the Secretary finds that such delay would be impracticable and contrary to the public interest, and this rule is effective on January 17, 1992.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 17, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 663 is amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 663.23, paragraph (b)(3), which expired on December 31, 1991, is replaced with a new paragraph (b)(3), as follows:

§ 663.23 Catch Restrictions.

* * * * *

(b) * * *

(3) *Pacific whiting—Season.* Pacific whiting may not be taken and retained, possessed, or landed in any calendar year between 0001 hours January 1 and 2400 hours April 14 (local times).

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[FR Doc. 92-1709 Filed 1-17-92; 4:45 pm]

BILLING CODE 3510-22-M

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50 CFR Part 672

[Docket No. 911176-1276]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of change in recordkeeping and reporting requirements.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that Daily Production Reports must be submitted by processor vessels and shoreside processing facilities that catch pollock in, or receive pollock from, the Gulf of Alaska (GOA) pollock management districts. These pollock management districts are coextensive with GOA reporting areas 61, 62 and 63.

This action is necessary to prevent overharvest of the quarterly allotment of the total allowable catch (TAC) for pollock. The intent of this action is to ensure optimum use of pollock stocks.

EFFECTIVE DATES: From 12 noon, Alaska local time (A.l.t.), January 20, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the GOA (FMP) governs the groundfish fishery in the exclusive economic zone in the GOA under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council (Council) and is implemented by regulations governing the foreign fishery at 50 CFR 611.92 and by regulations governing the U.S. fishery at 50 CFR parts 620 and 672.

Under § 672.5(c)(3)(i), the Regional Director is requiring processor vessels and shoreside processing facilities that catch pollock in or receive pollock from the pollock management districts in which directed fishing for pollock is allowed to submit Daily Production Reports in addition to weekly processor reports. Daily Production Reports are required through 12 midnight December 31, 1992, during periods when directed fishing for pollock in the relevant pollock management district is authorized. Daily Production Reports must include the information required by § 672.5(c)(3)(ii).

These requirements are necessary to manage the pollock fisheries in the GOA. The Regional Director is doing so in consideration of the potential for exceeding the TAC specified for pollock.

The amount of a species or species group apportioned to a fishery is TAC, as stated in § 672.20(a)(2). The first-quarter TACs for pollock in the pollock management districts of the GOA will become available for directed fishing by trawl vessels on or about January 20, 1992, and are expected to be rapidly harvested. Fishing effort by trawl vessels in the GOA is not expected to follow any previous year's pattern since the combined Western/Central pollock Regulatory District was further divided in 1992 among three pollock management districts coextensive with reporting areas 61 (Shumagin), 62 (Chirikof), and 63 (Kodiak). In addition, an existing management district, named Shelikof Strait, was eliminated and subsumed into Statistical Areas 62 and 63.

Daily Production Reports must include all information required by § 672.5(c)(3)(ii) for groundfish harvested from reporting areas 61, 62, and 63. Processors must submit the required information on the "Alaska Groundfish Processor Daily Production Report" form available in the processors' recordkeeping reference manual or from the Regional Director at the address listed in the manual. Processors must transmit their completed Daily Production Reports to the Regional Director by facsimile transmission to number (907) 586-7131, by telephone via number (907) 586-7228, or by telex (U.S. code) at 6229600 no later than 12 hours after the end of the day the groundfish was processed.

If and when the Regional Director determines that these reports are no longer necessary, he may rescind them. Criteria used to assess the need for the reports include the stability of effort and harvest rates in the fishery, and remaining amounts of pollock TAC.

Classification

The Assistant Administrator for Fisheries, NOAA, finds that reasons justifying promulgation of this action also make it impracticable and contrary to the public interest to provide notice

and opportunity for prior comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act. Intense fishing effort without Daily Production Reports would risk exceeding the quarterly allowances of TAC for pollock.

This action is taken under §§ 672.5 and 672.20 and complies with Executive Order 12291.

The collection-of-information requirement contained in this notice was approved by the Office of Management and Budget (OMB) as a revision to OMB No. 0648–213 (56 FR 9636; March 7, 1991).

List of Subjects in 50 CFR 672

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 17, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–1728 Filed 1–21–92; 10:22 am]

BILLING CODE 3510-22-M

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50 CFR Parts 672 and 675

[Docket No. 911176–1276]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of Pacific halibut and red king crab bycatch rate standards and request for comments.

SUMMARY: NMFS announces Pacific halibut and red king crab bycatch rate standards for the first half of 1992 for purposes of the vessel incentive program that has been implemented to reduce prohibited species bycatch rates in the groundfish trawl fisheries. This action is necessary to implement the bycatch rate standards that must be met by individual trawl vessel operators who participate in specified groundfish fisheries included in the incentive program. The intent of this action is to enhance prohibited species bycatch management and promote conservation of groundfish and other fishery resources.

DATES: Effective 12:01 a.m., Alaska local time (A.l.t.), January 17, 1992, through 12 midnight, A.l.t., June 30, 1992. Comments on this action are invited through February 3, 1992.

ADDRESSES: Comments should be mailed to Ronald J. Berg, Acting Chief, Fisheries Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802–1668, or be delivered to 9100 Mendenhall Mall Road, Federal Building Annex, suite 6, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, Fishery Management Biologist, NMFS, 907–586–7229.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Bering Sea and Aleutian Islands Area (BSIA) and Gulf of Alaska (GOA) are managed by the Secretary of Commerce (Secretary) according to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and the FMP for Groundfish of the Gulf of Alaska. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fishery appear at 50 CFR part 620.

Regulations at §§ 672.26 and 675.26 implement a vessel incentive program to reduce Pacific halibut and red king crab bycatch rates in specified groundfish trawl fisheries. Under the incentive program, operators of trawl vessels must comply with Pacific halibut bycatch rate standards specified for the BSAI and GOA Pacific cod trawl fisheries, the BSAI flatfish fishery, and the GOA "bottom rockfish" trawl fishery. Vessel operators must also comply with red king crab bycatch standards specified for the BSAI flatfish fishery in Zone 1, as defined in § 675.2. Definitions of the fisheries included under the incentive program are set forth in regulations at § 672.26(b) and § 675.26(b).

Regulations implementing the incentive program require NMFS to publish a notice in the Federal Register specifying Pacific halibut and red king crab bycatch rate standards for each fishery monitored under the incentive program. These standards are in effect for specified seasons within the 6-month periods of January 1 through June 30, and July 1 through December 31. Any vessel operator whose monthly bycatch rate exceeds the bycatch rate standard is in violation of the regulations implementing the incentive program.

At its December 3–9, 1991, meeting, the Council recommended bycatch rate standards for the first half of 1992. These standards are set forth in Table 1. The Council's recommended bycatch rate standards for January 1 through June 30 are based on the following information, as required by § 672.26(c) and § 675.26(c):

(A) Previous years' average observed bycatch rates;

(B) Immediately preceding season's average observed bycatch rates;

(C) The bycatch allowances and associated fishery closures specified under § 672.20(f) and § 675.21;

(D) Anticipated groundfish harvests; and

(E) Anticipated seasonal distribution of fishing effort for groundfish.

The Council's Pacific halibut bycatch rate standards for the BSAI Pacific cod and flatfish trawl fisheries are largely based on anticipated seasonal fishing effort for these species and historic Pacific halibut bycatch rates observed in the Pacific cod and flatfish fisheries. As such, the Council recommended that the Pacific halibut bycatch rate standards for the BSAI Pacific cod and flatfish trawl fisheries during the first half of 1992 be set at levels that approximate the average rates observed on trawl vessels participating in these fisheries during the first half of 1991. For the first quarter of 1992, the recommended bycatch rate standards are 30 kilograms (kg) of Pacific halibut per metric ton (mt) of groundfish (3.0 percent) in the Pacific cod trawl fishery and 20 kg of Pacific halibut per mt of groundfish (2.0 percent) in the flatfish fishery. The Council recognized that the 1992 trawl fisheries would not start until January 20 or later under a final rule to delay the 1992 trawl fisheries (57 FR 381; January 6, 1992). The Council also recognized that the only flatfish fishery authorized to start at the beginning of the fishing year is the rock sole fishery. This fishery targets on roe-bearing rock sole and normally concludes by early March. The remaining flatfish fisheries included under the incentive program (yellowfin sole and other flatfish) are delayed until 12 noon A.l.t., May 1 of each year under regulations at § 675.23(c).

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1992 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA

[Pacific halibut bycatch as kg of Pacific halibut/mt of allocated groundfish catch]

Fishery and quarter	1992 bycatch standard
BSAI Pacific cod:	
Qt 1	30.0
Qt 2	25.0

TABLE 1.—BYCATCH RATE STANDARDS, BY FISHERY AND QUARTER, FOR THE FIRST HALF OF 1992 FOR PURPOSES OF THE VESSEL INCENTIVE PROGRAM IN THE BSAI AND GOA—Continued

[Pacific halibut bycatch as kg of Pacific halibut/mt of allocated groundfish catch]

Fishery and quarter	1992 bycatch standard
BSAI flatfish:	
Qt 1	20.0
Qt 2	5.0
GOA rockfish:	
Qt 1	50.0
Qt 2	50.0
GOA Pacific cod:	
Qt 1	50.0
Qt 2	50.0
Zone 1 red king crab bycatch rates (number of crab/mt of allocated groundfish)	
BSAI flatfish:	
Qt 1	2.5
Qt 2	2.0

The second quarter Pacific halibut bycatch rate standards recommended by the Council for the BSAI Pacific cod and flatfish fisheries are 2.5 percent and 0.5 percent, respectively. The Pacific cod rate is reduced from 3.0 percent to 2.5 percent to reflect the reduction in average bycatch rates observed between the first and second quarter fisheries. The second quarter Pacific halibut bycatch rate standard recommended for the flatfish fishery approximates the average 1991 Pacific halibut bycatch rate observed in the yellowfin sole fishery, which is the predominant flatfish fishery after the season opens on May 1. Estimated weekly bycatch rates in the 1991 flatfish fishery for 7 of the 9 weeks between May 1 and June 30 were below 0.5 percent.

Mid-summer bycatch rates in the flatfish fishery may increase as fishermen target on other flatfish species (e.g., flathead sole) that are normally associated with higher Pacific halibut bycatch rates, or as new vessels enter the flatfish fishery after the closure of the Bering Sea pollock fishery. Council adoption of Amendment 19 to the BSAI FMP at its December 1991 meeting, would address differences in Pacific halibut bycatch rates among different flatfish fisheries by amending regulations to specify separate bycatch rate standards for the yellowfin sole and the rock sole/other flatfish fisheries. Separate bycatch rate standards for the rock sole/other flatfish fisheries will be published in the **Federal Register** for public comment as part of the proposed rule to implement Amendment 19. Pending approval by the Secretary of Commerce, Amendment 19 is scheduled to be effective prior to July 1, 1992.

If vessels maintained Pacific halibut bycatch rates at the standards recommended by the Council for the BSAI flatfish fisheries, the Council recognized that portions of the 1992 total allowable catch (TAC) amounts specified for yellowfin sole, rock sole, and other flatfish may not be harvested by trawl vessels under the Pacific halibut prohibited species catch (PSC) restrictions set forth for these fisheries at § 675.21. The Council further recognized that its recommended Pacific halibut bycatch rates standards for the BSAI Pacific cod trawl fishery will not allow for the trawl harvest of the 1992 TAC specified for Pacific cod under Pacific halibut PSC limit restrictions at § 675.21. The Council determined that its recommended bycatch rate standards would reduce Pacific halibut bycatch rates during the first half of 1992, consistent with the Council's intent for the incentive program, and that other gear types could continue to harvest the Pacific cod TAC under existing Pacific halibut PSC regulations.

The Council's recommended red king crab bycatch rate standard for the flatfish fishery in Zone 1 of the Bering Sea subarea is 2.5 crab per mt of groundfish during the first quarter of 1992, and 2.0 crab per mt of groundfish during the second quarter. These standards are an increase from the 1991 bycatch rate standard of 1.5 crab per mt of groundfish.

Little fishing effort for flatfish occurred in Zone 1 during 1991 because commercial concentrations of yellowfin sole normally occur north of this area by the time the fishery opens May 1. As such, limited observer data exist for the 1991 fishery in Zone 1, which indicate average red king crab rates between 1 and 1.5 crab per mt groundfish. During late summer 1991, some flatfish fishermen experienced relatively high bycatch rates of Pacific halibut north of Zone 1 and expressed a desire to explore fishing ground in Zone 1 that may have lower Pacific halibut bycatch rates. However, fishermen were reluctant to fish in Zone 1 because of possibly exceeding the red king crab bycatch rate standard. The total 1991 bycatch of red king crab by vessels participating in the rock sole, yellowfin sole, and other flatfish fisheries was under 75,000 crab, or about 40 percent of the combined red king crab bycatch allowances specified for these fisheries (190,000 crab). In recognition that the red king crab bycatch allowance will restrict bycatch amounts to specified levels, the Council increased the 1992 bycatch rate standards for red king crab to support those fishermen who actively pursue alternative fishing grounds in an attempt to reduce Pacific halibut bycatch rates.

The Council recommended a single Pacific halibut bycatch rate standard for the GOA Pacific cod and rockfish fisheries of 50 kg per mt groundfish (5 percent). This recommendation was based on Council intent to simplify the GOA incentive program by specifying a single bycatch rate standard for the fisheries under the incentive program, yet maintain the Council's objective of reducing Pacific halibut bycatch rates in the GOA trawl fisheries. Observer data collected from the 1991 GOA trawl fisheries (excluding the midwater pollock fishery) show first and second quarter Pacific halibut bycatch rates of 2.4 percent and 6.6 percent, respectively. The first and second quarter Pacific cod trawl fishery exhibited observed bycatch rates of 1.2 and 2.4 percent, respectively, whereas the rockfish fishery exhibited respective Pacific halibut bycatch rates of 8.3 and 7.9 percent. Representatives for the GOA trawl industry provided comments to the Council that, based on 1991 observer data, a bycatch rate standard of 6 percent would better accommodate the rockfish trawl fishery and that setting the Pacific halibut bycatch rate standard slightly higher than the average observed in the Pacific cod fishery would not encourage vessels operators to fish up to the standard. The Council determined that a Pacific halibut bycatch rate standard of 5 percent would better meet its objective to restrict Pacific halibut bycatch rates to levels consistent with the Council's intent to reduce Pacific halibut bycatch rates under the incentive program.

The Regional Director has determined that Council recommendations for bycatch rate standards are appropriately based on the information and considerations necessary for such determinations under § 672.26(c) and § 675.26(c). He concurs in the Council's determinations and recommendations for Pacific halibut and red king crab bycatch rate standards for the first half of 1992 as set forth in Table 1. These bycatch rate standards may be revised by notice in the **Federal Register** when deemed appropriate by the Regional Director pending his consideration of the information set forth at § 672.26(c) and § 675.26(c).

Classification

This action is taken under 50 CFR parts 672.26 and 675.26 and complies with Executive Order 12291.

To avoid a lapse in vessel accountability under the vessel incentive program, this notice must be effective by the start of the 1992 trawl season as determined by the final rule implementing the 1992 trawl season delay (57 FR 381; January 6, 1992). Without this accountability, prohibited species bycatch rates will increase in the groundfish trawl fisheries, prohibited species bycatch allowances will be reached sooner, specified groundfish trawl fisheries will be closed prematurely, and owners and operators of groundfish trawl vessel will incur additional foregone revenues. Therefore, the Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to extend prior notice and comment on this notice beyond the start of the 1992 trawl season, or to delay its effective date.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Fishing vessels, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 17, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-1729 Filed 1-17-92; 5:04 pm]

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50 CFR Part 675

[Docket No. 911172-1272]

Groundfish of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of change in recordkeeping and reporting requirements.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that Daily Production Reports must be submitted by processor vessels and shoreside processing facilities that catch and/or receive pollock and/or Atka mackerel from the Aleutian Islands (AI) subarea in the Bering Sea and Aleutian Islands management area (BSAI).

This action is necessary to prevent exceeding the total allowable catch (TAC) for pollock and Atka mackerel. The intent of this action is to ensure optimum use of pollack and Atka mackerel stocks.

EFFECTIVE DATE: From 12 noon, Alaska local time (A.l.t.), January 20, 1992, through the duration of the 1992 pollock and Atka mackerel directed fisheries or until the Regional Director determines the supplementary reporting requirements are no longer necessary.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the BSAI (FMP) governs the groundfish fishery in the exclusive economic zone in the BSAI under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council (Council) and is implemented by regulations governing the foreign fishery at 50 CFR 611.93 and by regulations governing the U.S. fishery at 50 CFR parts 620 and 675.

Under § 675.5(c)(3)(i), the Regional Director is requiring processor vessels and shoreside processing facilities that catch and/or receive pollock and/or Atka mackerel from the AI subarea to submit Daily Production Reports in addition to weekly processor reports. Daily Production Reports must include the information required by § 675.5(c)(3)(ii).

These requirements are necessary to manage the pollock and Atka mackerel fisheries in the AI. The Regional Director is doing so in consideration of the potential for exceeding the TAC specified for pollock and Atka mackerel.

The amount of a species or species group apportioned to a fishery is TAC, as stated in § 675.20(a)(2). The TACs for pollock and Atka mackerel in the AI will become available for directed fishing by trawl vessels on or about January 20, 1992, and are expected to be rapidly harvested. Fishing effort by trawl vessels in the BSAI is not expected to follow any previous year's pattern due to the closure of the Bogoslof district (that part of reporting area 515 west of 167 degrees west longitude) to directed fishing for pollock. The 1991 harvest from the Bogoslof district accounted for approximately 43.9 percent of the "A" season TAC. Displaced effort from the Bogoslof district is expected to focus on the AI as an alternate source of pollock and Atka mackerel.

Daily Production Reports must include all information required by § 675.5(c)(3)(ii) for groundfish harvested from the applicable reporting areas. Processors must submit the required information on the "Alaska Groundfish Processor Daily Production Report" form available in the processors' recordkeeping reference manual or from the Regional Director at the address listed in the manual. Processors must transmit their completed Daily Production Reports to the Regional Director by facsimile transmission to number (907) 586-7131, by telephone via number (907) 586-7228, or by telex (U.S. code) at 6229600 no later than 12 hours after the end of the day the groundfish was processed.

If and when the Regional Director determines that these reports are no longer necessary, he may rescind the requirement. Criteria used to assess the need for the reports include the stability of effort and harvest rates in the fishery, and remaining amounts of pollock and Atka mackerel TAC.

Classification

The Assistant Administrator for Fisheries, NOAA, finds that reasons justifying promulgation of this action also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act. Intense fishing effort without Daily Production Reports would invite exceeding the TAC for pollock and Atka mackerel.

This action is taken under §§ 675.20 and 675.21 and complies with Executive Order 12291.

The collection-of-information requirement contained in this notice was approved by the Office of Management and Budget (OMB) as a revision to OMB No. 0648-213 (56 FR 9636; March 7, 1991).

List of Subjects in 50 CFR 675

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 17, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-1710 Filed 1-21-92; 10:22 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 16
Friday, January 24, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-ANE-39]

Airworthiness Directives; Pratt & Whitney (PW) JT8D Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to PW JT8D series turbofan engines. This proposed action would require the installation and periodic inspection of temperature indicators installed on the No. 4 and 5 bearing compartment scavenge oil tube, and require the installation of No. 4 and 5 bearing compartment hardware modifications for certain engines. This proposal is prompted by reports of high pressure (HP) turbine shaft fractures caused by oil fires which resulted from internal leakage of thirteenth stage compressor discharge air into the No. 4 and 5 bearing compartment. This condition, if not corrected, could result in fracture of the HP turbine shaft which may result in uncontained release of engine fragments, fire, inflight shutdown, or possible aircraft damage.

DATES: Comments must be received no later than February 24, 1992.

ADDRESSES: Send comments on the proposal in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attn: Rules Docket No. 91-ANE-39, 12 New England Executive Park, Burlington, Massachusetts 01803, or deliver in duplicate to room 311 at the above address.

Comments may be inspected at the above location in Room 311, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

This applicable service information may be obtained from Pratt & Whitney, Publications Department, P.O. Box 611, Middletown, Connecticut 06457. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: John E. Golinski, Engine Certification Office, ANE-140, Engine & Propeller Directorate, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, (617) 273-7121.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the rules docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 91-ANE-39." The postcard will be date/time stamped and returned to the commenter. DISCUSSION: There have been 31 HP turbine shaft fractures which resulted from compartment oil fires caused by leakage of thirteenth stage compressor discharge air into the No. 4 and 5 bearing compartment. These oil fires cause a reduction in material properties of the HP turbine shaft which results in overload and fracture. Five of the fractures have resulted in uncontained engine debris exiting the engine. An investigation to determine the cause and to define corrective action for this problem has identified the need to incorporate an oil temperature monitoring system and installation of hardware improvements to the No. 4 and 5 bearing compartment which would eliminate thirteenth stage compressor discharge air leakage and oil fires.

An investigation and analysis of this problem indicates that JT8D engines installed on the Boeing 727 series and McDonnell Douglas DC-9-80 series (MD-80) aircraft are susceptible to No. 4 and 5 bearing compartment oil fires. This susceptibility is attributed to aircraft utilization and engine differences, and is supported by considerable JT8D field service experience.

This proposed AD will require oil temperature monitoring and installation of No. 4 and 5 bearing compartment hardware modifications to prevent bearing compartment oil fires and subsequent shaft fractures. A temperature indicator installed on the No. 4 and 5 bearing scavenge oil tube line will detect hot air leakage into the bearing compartment by evidence of excessive No. 4 and 5 bearing scavenge oil temperature. The oil temperature indicators will provide warning that the oil scavenge temperature is abnormally high and that certain troubleshooting and diagnostic test procedures are required. Operators that utilize JT8D-1 through -17AR series engines installed on Boeing 727 series aircraft will be required to install and monitor the temperature indicators until such a time that the required No. 4 and 5 bearing compartment hardware modifications are installed. Operators that utilize JT8D-200 series engines will be required to install and monitor the temperature indicators, or alternatively may install the No. 4 and 5 bearing compartment hardware modifications. This condition, if not corrected, may result in uncontained release of engine fragments, fire, inflight shutdown, or possible aircraft damage.

Furthermore, due to the high rate of uncontained events in JT8D-200 series engines, the FAA is reviewing the need to require improved HP turbine containment hardware on these series engines to prevent engine debriss from exiting the engine. The containment

hardware for JT8D–200 series engines will be available at a later date and further rulemaking may be required.

The FAA has reviewed and approved the technical contents of PW Alert Service Bulletin (ASB) No. 5944, Revision No. 1, dated April 10, 1991, which describes the procedures for the temperature monitoring program for certain JT8D engines; PW Service Bulletin (SB) No. 5945, dated December 19, 1990, which describes No. 5 compartment modifications to reduce oil leakage; and PW SB 5514, Revision 7, dated February 28, 1991, which describes modifications to the No. 4 and 5 bearing inner heat shield and scavenge tube assembly.

Since this condition is likely to exist or develop on other engines of this same type design, an AD is proposed which would require inspections and hardware modifications in accordance with the service bulletins previously described.

There are approximately 6,323 JT8D–1 through –17AR series engines and 1,843 JT8D–200 series engines of the affected design in the worldwide fleet. It is estimated that 5,237 engines in the domestic fleet would be affected by this AD, that it would take approximately 46 manhours per engine to accomplish the required actions, and that the average labor cost would be $55 per manhour. The cost of required parts is estimated to be $7,200 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $50,956,010.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the evaluation prepared for this action is contained in the rules docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposes to amend 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g), and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

Pratt & Whitney: Docket No. 91–ANE–39

Applicability: Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –15, –15A, –17, –17A, –17R, and –17AR turbofan engines installed on Boeing 727 series aircraft, and JT8D–209, –217, –217A, –217C, and –219 turbofan engines installed on, but not limited to, McDonnell Douglas DC–9–80 series and Boeing 727 series aircraft.

Compliance: Required as indicated, unless previously accomplished:

To prevent fracture of the high pressure turbine shaft which may result in uncontained release of engine fragments, fire, inflight shutdown or possible aircraft damage, accomplish the following:

(a) For PW JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –15, –15A, –17, –17A, –17R, and –17AR engines installed on Boeing 727 series aircraft, install and inspect temperature indicators, Part No. 809129 and Part No. 809130, on the No. 4 and 5 bearing compartment scavenge oil tube, and install No. 4 and 5 bearing compartment hardware modifications as follows:

(1) Install temperature indicators on the No. 4 and 5 bearing compartment scavenge oil tube in accordance with Section 2.A.(1) of the Accomplishment Instructions of PW Alert Service Bulletin No. 5944, Revision 1, dated April 10, 1991, within 65 hours of engine operation after the effective date of this AD.

(2) Visually inspect temperature indicators within 65 hours of installation. Thereafter, reinspect at intervals not to exceed 65 hours of engine operation since last inspection.

(3) If upon inspection, the color of the temperature indicator window(s) has turned completely black, perform troubleshooting and diagnostic testing in accordance with Section 2.A.(2) (c) and (d) of the Accomplishment Instructions of PW Alert Service Bulletin No. 5944, Revision 1, dated April 10, 1991. Reinstall temperature indicators prior to returning the engine to service and reinitiate the inspection requirements in accordance with paragraph (a)(2) of this AD.

(4) Install No. 4 and 5 bearing compartment hardware modifications in accordance with PW SB 5945, dated December 19, 1990, and PW SB 5514, Revision 7, dated February 28, 1991, at next ship visit when the No. 4 and 5 compartment is accessible after the effective date of this AD, but no later than December 31, 1996. The inspection requirements identified in paragraph (a)(2) of this AD are not required once the No. 4 and 5 bearing compartment modifications are installed.

(b) For PW JT8D–209, –217, –217A, –217C, and –219 engines, install and inspect temperature indicators, Part No. 809129 and Part No. 809130, on the No. 4 and 5 bearing compartment scavenge oil tube or install No. 4 and 5 bearing compartment hardware modifications, as follows:

(1) Install temperature indicators on the No. 4 and 5 bearing compartment scavenge oil tube in accordance with Section 2.A(1) of the Accomplishment Instructions of PW Alert Service Bulletin No. 5944, Revision 1, dated April 10, 1991, within 65 hours of engine operation after the effective date of this AD.

(2) Visually inspect temperature indicators within 65 hours of installation. Thereafter, reinspect at intervals not to exceed 65 hours of engine operation since last inspection.

(3) If upon inspection, the color of the temperature indicator window(s) has turned completely black, perform troubleshooting and diagnostic testing in accordance with Section 2.A.(2) (c) and (d) of the Accomplishment Instructions of PW Alter Service Bulletin No. 5944, Revision 1, dated April 10, 1991. Reinstall temperature indicators prior to returning the engine to service and reinitiate the inspection requirements in accordance with paragraph (b)(2) of this AD.

(4) For PW JT8D–209, –217, –217A, –217C, and –219 engines, incorporation of No. 4 and 5 bearing compartment hardware modifications in accordance with PW SB 5945, dated December 19, 1990, and PW 5514, Revision 7, dated February 28, 1991, can be substituted for the requirements identified in paragraph (b) (1), (2) and (3) of this AD.

(c) If inspection of the temperature indicators reveals a missing indicator, install a new indicator in accordance with Section 2.A.(1) of the Accomplishment Instructions of PW Alert Service Bulletin No. 5944, Revision No. 1, dated April 10, 1991, and reinitiate the inspection requirements after replacing the indicator, prior to returning the engine to service.

(d) Report the data elements identified in § 2.A.(2)(e) of the Accomplishment Instructions of PW Alert Service Bulletin No. 5944, Revision 1, dated April 10, 1991, whenever an overtemperature condition is observed on any color temperature indicator which is the result of an internal engine problem only and not resulting from an external cause corrected by the published troubleshooting procedures. Data elements should be reported within 30 days to the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803–05299; Telex Number 949301 FAANE BURL.

(e) Information collection requirements contained in this proposed regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2120–0056.

(f) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished. Engines which are confirmed by diagnostic testing to have an overtemperature condition cannot be operated during ferry flights.

(g) Upon submission of substantiating data by an owner or operator through an FAA Inspector (maintenance, avionics, operations, as appropriate), an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Pratt & Whitney, Publications Department, P.O. Box 611, Middletown, Connecticut 06457. These documents may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts.

Issued in Burlington, Massachusetts, on December 26, 1991.

Jay J. Pardee,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 92-1794 Filed 1-23-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Unlading of Foreign Vessels Allowed Prior to Entry at U.S. Ports Subsequent to Initial U.S. Port of Arrival

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to provide that it is within the discretion of the district director to issue a permit to unlade to allow a foreign vessel that has already made formal entry at its first port of arrival in the U.S. to unlade cargo at subsequent coastwise ports without the necessity of making preliminary entry and prior to the vessel making formal entry at those ports. The document proposes that if the district director deems it necessary, however, before allowing unlading prior to the vessel's formal entry, he may require the master to make an oath or affirmation to the truth of the statements contained in the vessel's manifest to a Customs officer who boards the vessel and require delivery of the manifest prior to issuing the permit to unlade. All foreign vessels are still required to report arrival and make formal entry at all coastwise ports. It is believed that this amendment would expedite the discharge of cargo without diminishing Customs enforcement effectiveness.

DATES: Comments must be received on or before March 24, 1992.

ADDRESSES: Written comments (preferably in triplicate) may be addressed to and inspected at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Leo Morris, Office of Inspection and Control, 202-566-8151.

SUPPLEMENTARY INFORMATION:

Background

Section 1448 of title 19 of the United States Code provides that no merchandise, passengers, or baggage shall be unladen from any vessel or vehicle arriving from a foreign port or place until entry of such vessel or report of arrival of such vehicle has been made and a permit for the unlading of the same has been issued by the appropriate Customs officer. It also provides that if the master of a vessel makes preliminary entry, a permit to unlade may be issued by Customs prior to formal entry.

Customs has interpreted this statute to mean that merchandise, passengers or baggage could not be unladen from any foreign vessel at any U.S. port until entry has been made, whether it was a formal entry or preliminary entry. This would be the case whether the vessel was arriving from a foreign port or from another U.S. port. Reading 19 U.S.C. 1448 in conjunction with 19 U.S.C. 1434, which provides that U.S. vessels are not required to make entry at a U.S. port when arriving from another U.S. port, Customs has permitted merchandise, passengers or baggage to be unladen from U.S. vessels arriving at one U.S. port from another U.S. port without entry being made. Section 4.8, Customs Regulations (19 CFR 4.8), now provides that if it is desired that any vessel having on board inward foreign cargo, passengers or baggage shall discharge or take on cargo, passengers or merchandise before the vessel has been formally entered, preliminary entry shall be made. Section 4.8 has been applied only to foreign vessels.

Currently, based on this interpretation, a foreign vessel carrying residue cargo, passengers or baggage would request preliminary entry if it wishes to discharge passengers or cargo prior to making formal entry at the customhouse. After the vessel makes preliminary entry, the district director generally issues a permit to unlade. If preliminary entry is granted, the vessel can begin discharging cargo or passengers shortly after arriving, rather than waiting hours for formal entry to be completed at the customhouse.

After reviewing the statutory language, Customs now believes that 19 U.S.C. 1448 is only applicable to vessels that are arriving from a foreign port or place and not to vessels arriving at a U.S. port from another U.S. port. In other words, if a vessel is arriving at a U.S. port from a foreign port, it may not receive a permit to unlade from Customs until either formal or preliminary entry is made; however, if a vessel is arriving at a U.S. port from another U.S. port, merchandise, passengers or baggage may be unladen prior to entry. This new interpretation is especially significant for foreign vessels. As indicated above, U.S. vessels are not required to make entry at a U.S. port when arriving from another U.S. port so in this situation they have been permitted to unlade without making entry. Foreign vessels, on the other hand, pursuant to 19 U.S.C. 1433 and 1435 respectively, are required to report arrival immediately after arriving at any port or place in the U.S. and must make entry within 48 hours after arriving within the limits of a Customs port. According to this new proposed interpretation, Customs now can issue a permit to unlade prior to a foreign vessel's entry at a U.S. port when it is arriving from another U.S. port.

The only statutory reference to preliminary entry is in 19 U.S.C. 1448. According to this proposed interpretation that 19 U.S.C. 1448 relates only to vessels arriving from a foreign port or place, the right of a master to seek preliminary entry so that he may unlade prior to making formal entry is only applicable to vessels arriving from a foreign port or place. There would be no need for a master of a foreign vessel to seek preliminary entry when arriving at one U.S. port from another U.S. port if the vessel could be unloaded prior to formal entry.

Customs is proposing in this document to amend § 4.8, Customs Regulations (19 CFR 4.8) to clarify that preliminary entry is required for both U.S. and foreign vessels arriving from a foreign port or place that wish to discharge cargo, passengers or baggage or take on cargo, passengers or baggage before the vessel has been formally entered.

Further, the document proposes to amend § 4.30 to provide that permits to unlade or lade may be issued by the district director to a foreign vessel arriving at a U.S. port from another U.S.

port prior to formal entry and without the vessel having to make preliminary entry at the second port and to a U.S. vessel arriving at a U.S. port from another U.S. port without requirement of entry at the second port. If he deems it necessary, the district director may require the master to make an oath or affirmation to the truth of statements contained in the vessel's manifest to a Customs officer who boards the vessel prior to issuing the permit. The authority of the district director to require an oath or affirmation to the truth of the statements contained in the vessel's manifest and delivery of the manifest prior to issuing a permit if he deems it necessary derives from 19 U.S.C. 1433 (d) and (e)(2) which provides that the master shall present to customs officers such documents, papers, or manifests as the Secretary may by regulation prescribe and that a vessel may after arriving in the U.S. discharge any passenger or merchandise (including baggage) only in accordance with regulations prescribed by the Secretary.

Customs believes that by easing the requirement that preliminary entry be made before a foreign vessel may be issued a permit to lade or unlade when arriving from another U.S. port, but by retaining the right to board and examine manifests if necessary, Customs efficiency regarding the discharge of cargo, passengers and baggage will be improved without a diminution in enforcement effectiveness.

In accordance with the above discussion, amendments are being proposed to §§ 4.1, 4.8, 4.10, and 4.30, Customs Regulations (19 CFR 4.1, 4.8, 4.10, and 4.30). Amendments are also being proposed to §§ 4.7, 4.13, 4.81, 4.85, and 4.87 to eliminate the reference to "boarding officer" where such references are no longer appropriate.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Harold M. Singer, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 4

Carrier, Release of merchandise, Vessels.

Proposed Amendments

It is proposed to amend part 4, Customs Regulations (19 CFR Part 4), as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for part 4, Customs Regulations (19 CFR part 4) and the relevant specific authority citations for §§ 4.1, 4.7, 4.8, 4.10, 4.81 and 4.85 (19 CFR 4.1, 4.7, 4.8, 4.10, 4.81, 4.85) continue to read and the relevant specific authority for § 4.30 (19 CFR 4.30) is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. App. 3;

§ 4.1 also issued under 46 U.S.C. App. 163; * * *

§ 4.7 also issued under 19 U.S.C. 1431, 1439, 1465, 1581(a), 1583, 46 U.S.C. App. 883a, 883b; * * *

§ 4.10 also issued under 19 U.S.C. 1448, 1451; * * *

§ 4.30 also issued under 19 U.S.C. 288, 1433, 1446, 1448, 1450–1454, 1490; * * *

§ 4.81 also issued under 19 U.S.C. 1433, 1439, 1442, 1443, 1444, 1486; 46 U.S.C. App. 251, 313, 314, 883; * * *

§ 4.85 also issued under 19 U.S.C. 1439, 1442, 1443, 1444, 1623;

* * * * *

2. It is proposed to revise § 4.1(b), Customs Regulations (19 CFR 4.1(b)), to read as follows:

§ 4.1 Boarding of vessels; cutter and dock passes.

* * * * *

(b) Every vessel arriving within a Customs district directly from a point outside the Customs territory of the United States shall be boarded and shall be subject to such supervision while in port as the district director deems necessary. When he deems it desirable, the district director may detail Customs officers to remain on board a vessel to secure the enforcement of this part. If preliminary entry is requested, boarding is required. Except as provided in paragraph (a) of this section, boarding of a vessel arriving within a Customs district directly from another port in the United States shall not be required.

* * * * *

3. It is proposed to remove footnote 16 from part 4, Customs Regulations (19 CFR part 4).

4. It is proposed to amend § 4.7, Customs Regulations (19 CFR 4.7), by revising the second sentence of § 4.7(b) and entire paragraph (d)(3) to read as follows:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

* * * * *

(b) * * * The master shall deliver the original and one copy of the manifest to the Customs officer who shall first demand it. * * *

* * * * *

(d) * * *

(3) The declaration shall be ready for production on demand for inspection and shall be presented as part of the original manifest when formal entry of the vessel is made.

5. It is proposed to remove footnote 18 from part 4, Customs Regulations (19 CFR part 4).

6. It is proposed to revise § 4.8, Customs Regulations (19 CFR 4.8), to read as follows:

§ 4.8 Preliminary entry.

Preliminary entry allows a U.S. or foreign vessel arriving from a foreign port or place to discharge cargo, passengers or baggage or take on additional cargo, passengers or baggage prior to making formal entry at the customhouse by allowing the master to make an oath or affirmation to the truth of statements contained in the vessel's manifest and deliver the manifest to the Customs officer who boards the vessel. Customs officers are required to board a vessel before a preliminary entry is permitted. Preliminary entry shall be made by compliance with § 4.30 and execution by the master of the Master's Certificate on Preliminary Entry on Customs Form 1300.

7. It is proposed to amend § 4.10, Customs Regulations (19 CFR 4.10), by revising the first sentence to read as follows:

§ 4.10 Request for overtime services.

Request for overtime services in connection with the entry or clearance

of a vessel, including the boarding of a vessel in accordance with § 4.1 of this part, shall be made on Customs Form 3171. * * *

8. It is proposed to remove footnote 22 from part 4, Customs Regulations (19 CFR part 4).

9. It is proposed to amend § 4.13(a), Customs Regulations (19 CFR 4.13(a)), by revising the first sentence to read as follows:

§ 4.13 Alcoholic liquors on vessel of not over 500 net tons.

(a) When a vessel of not over 500 net tons which arrives from a foreign port or a hovering vessel has on board any alcoholic liquors, a certificate respecting the importation of any spirits, wines, or other alcoholic liquors on board, other than sea stores, shall be delivered to the appropriate Customs officer with the inward foreign manifest. * * *

10. It is proposed to amend § 4.30, Customs Regulations (19 CFR 4.30), by revising paragraphs (a) and (d) to read as follows:

§ 4.30 Permits and special licenses for unlading and lading.

(a) Except as prescribed in paragraph (f), (g), or (k) of this section or in § 123.8 of this chapter and except in the case of a vessel exempt from entry or clearance under 19 U.S.C. 288, no passengers, cargo, baggage or other article shall be unladen from a vessel which arrives directly or indirectly from any port outside the Customs territory of the United States or from a vessel which transits the Panama Canal and no cargo, baggage, or other article shall be laden on a vessel destined to a port or place outside the Customs territory of the United States if Customs supervision of such lading is require until the district director shall have issued a permit or special license therefor on Customs Form 3171.

(1) U.S. and foreign vessels arriving at a U.S. port directly from a foreign port or place are required to make entry, whether it be formal or, as provided in § 4.8 of this part, preliminary, before the district director may issue a permit or special license to lade or unlade.

(2) U.S. vessels arriving at a U.S. port from another U.S. port at which formal entry was made may be issued a permit or special license to unlade or lade without having to enter at the second port. Foreign vessels arriving at a U.S. port from another U.S. port at which formal entry was made may be issued a permit or special license to lade or unlade at the second port prior to formal entry without the necessity of making preliminary entry. The district director, in these circumstances, may issue the permit or special license after the master has reported arrival of the vessel, or may, in his discretion, require the master to make an oath or affirmation to the truth of the statements contained in the vessel's manifest to a Customs officer who boards the vessel and require delivery of the manifest prior to issuing the permit.

* * * * *

(d) Except as prescribed in paragraph (f) or (g) of this section, a separate application for a permit or special license shall be filed in the case of each arrival.

* * * * *

11. It is proposed to remove footnotes 56 through 58 from part 4, Customs Regulations (19 CFR part 4).

§ 4.81 [Amended]

12. It is proposed to amend § 4.81 (d) and (e), Customs Regulations (19 CFR 4.81 (d), (e)), by removing the words "the boarding officer" where they appear and inserting in their place the words "the appropriate Customs officer" and by removing the words "the Customs boarding officer" in § 4.81(e) and inserting in their place the words "the appropriate Customs officer".

13. It proposed to amend § 4.85, Customs Regulations (19 CFR 4.85), by removing the words "the Customs boarding officer" appearing in the last sentence of paragraph (b) and inserting in their place the words "the appropriate Customs officer" and by revising paragraph (d) to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

* * * * *

(d) If boarding is required before the district director will issue a permit or special license to lade or unlade, the abstract manifest described in paragraph (c) of this section shall be ready for presentation to the boarding officer.

* * * * *

§ 4.87 [Amended]

14. It is proposed to amend § 4.87(c), Customs Regulations (19 CFR 4.87(c)), by removing the words "the Customs boarding officer" and inserting in their place the words "the appropriate Customs officer".

Carol Hallett,

Commissioner of Customs.

Approved: January 6, 1992.

Nancy L. Worthington,

Acting Assistant Secretary of the Treasury.

[FR Doc. 92-1761 Filed 1-23-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 803 and 807

[Docket No. 91N-0295]

Medical Devices; Medical Device, User Facility, Distributor, and Manufacturer Reporting, Certification, and Registration, Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Tentative final rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the tentative final rule for medical device user facility, distributor, and manufacturer reporting, certification, and registration, due to several requests for an extension to assure adequate time for preparation of comments..

DATES: FDA is extending the comment period until February 26, 1992.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 26, 1991 (56 FR 60024), FDA published a tentative final rule that would require device user facilities and distributors, including importers to submit reports to FDA and to device manufacturers, of deaths, serious illnesses and serious injuries related to medical devices. The tentative final rule also amends existing reporting requirements for manufacturers to conform them with the proposed reporting requirements for user facilities and distributors, and requires distributors and manufacturers to report certain malfunctions that may cause a death, serious illness, or serious injury. It also requires foreign manufacturers to be subject to the same reporting requirements as domestic manufacturers. Interested persons were originally given until January 27, 1992, to comment on the tentative final rule.

FDA received several requests for an extension of the comment period. The requests asked for an extension of up to

60 days. However, in the light of the statutory deadlines applicable to this regulation, FDA has determined that an extension of 60 days is not appropriate. FDA proposes to extend the comment period for 30 days to assure adequate time for preparation of comments.

Interested persons may, on or before February 26, 1992, submit to the dockets Management Branch (address above) written comments regarding this tentative rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 17, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-1740 Filed 1-23-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[PS-53-89]

RIN 1545-AN80

Inclusions in Income of Lessees of Passenger Automobiles and Other Listed Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Internal Revenue Service published temporary rules relating to the treatment of lessees of luxury automobiles and other listed property in the Federal Register on August 9, 1988, and published amendments to those rules in the Federal Register on April 12, 1990. This document proposes to adopt the temporary rules as final regulations. The final regulations will affect lessees who lease luxury automobiles or other listed property after December 31, 1986.

DATES: Written comments must be received by May 22, 1992. Requests to appear at, and outlines of oral comments for, the public hearing scheduled for June 26, 1992, must be received by June 5, 1992. See notice of hearing published elsewhere in this issue of the Federal Register.

ADDRESSES: Send comments, requests to appear at the public hearing, and outlines to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn.: CC:CORP:T:R (PS-53-89), room 5228, Washington, DC 20044. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John E. Moffat at 202-566-3553.

SUPPLEMENTARY INFORMATION:

Background

Section 280F of the Internal Revenue Code limits depreciation deductions for passenger automobiles and for certain other property that is not used predominantly in a taxpayer's trade or business. In the case of leased property, however, the special rules of section 280F(c) apply. In general, these rules provide that the limitations on depreciation do not apply to the lessor of the property. Instead, an equivalent limitation applies to the lessee's rental deductions.

Section 1.280F-7T of the temporary Income Tax Regulations provides temporary rules relating to the treatment of lessees under section 280F(c). Section 1.280F-7T was added to the Income Tax Regulations by temporary regulations published in the Federal Register on August 9, 1988 (53 FR 29880), and was amended by temporary regulations published in the Federal Register on April 12, 1990 (55 FR 13769). Although the 1990 amendments were also issued as proposed regulations, the original rules published in 1988 have not been issued in proposed form. Thus, there has been on opportunity for pubic comment on many of the provisions of § 1.280F-7T. This notice of proposed rulemaking invites public comment on these provisions.

This document proposes to adopt the temporary rules of § 1.280F-7T as final regulations. Accordingly, those rules serve as the comment document for this notice of proposed rulemaking. For the text of the temporary rules, see 26 CFR 1.280F-7T (revised as of April 1, 1991). The preambles of the temporary regulations explain the temporary rules and are published in the Cumulative Bulletin at 1988-2 C.B. 40 and 1990-1 C.B. 64.

Special Analysis

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are timely submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for pubic inspection and copying. Written comments will be available for public inspection and copying. Consideration will also be given to oral comments at the public hearing announced in the notice of hearing published elsewhere in this issue of the Federal Register

Drafting Information

The principal author of these proposed regulations is John E. Moffat of the Office of the Assistant Chief Counsel (Passthroughs and Special Industries), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 92-1725 Filed 1-23-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[PS-53-89]

RIN 1545-AN80

Inclusions in Income of Lessees of Passenger Automobiles and Other Listed Property; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on supplemental proposed regulations.

SUMMARY: This document provides notice of public hearing on supplemental proposed regulations relating to the treatment of lessees of luxury automobiles and other listed property.

DATES: The public hearing will be held on Friday, June 26, 1992, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Friday, June 5, 1992.

ADDRESSES: The public hearing will be held in the Internal Revenue Service

Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R, (PS–53–89), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), 202–377–9236 or (202) 566–3935 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is supplemental proposed regulations under section 280F(c) of the Internal Revenue Code. The supplemental proposed regulations appear elsewhere in this issue of the Federal Register.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Friday, June 5, 1992, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be permitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Cynthia E. Grigsby,

Alternate Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–1726 Filed 1–23–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 201

RIN 1810–AA63

Chapter 1—Migrant Education Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Chapter 1—Migrant Education Program. These amendments would remove the requirement that the educational progress of migratory children be evaluated, to the extent possible, in comparison to an appropriate non-project comparison group.

DATES: Comments must be received on or before February 24, 1992.

ADDRESSES: All comments concerning these proposed regulations should be addressed to James English, U.S. Department of Education, 400 Maryland Avenue, SW., room 2149, Washington, DC 20202–6134.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: James English, Telephone: (202) 401–0744. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: On October 23, 1989, final regulations for the Chapter 1—Migrant Education Program (34 CFR part 201) were published in the Federal Register (54 FR 43219). Sections 201.52(b)(1), (c), and (d) and 201.54 of these regulations currently require that State educational agencies (SEAs) and local educational agencies (LEAs) use, to the extent possible, evaluation procedures that involve measurement of the educational progress of project participants against the performance of an appropriate non-project comparison group.

Since publication of the regulations, the Department has determined that the existing requirement for use of a non-project comparison group is difficult to implement for programs and projects serving migratory students. The Secretary therefore proposes removing the requirements for non-project comparison groups from the regulations. If the requirement is removed, program regulations still would require evaluation of the program to be based upon objective measures of the educational progress of program participants including, if possible, the use of national or State-normed achievement tests. Because this method of evaluation is still necessary, removing the non-project comparison requirements will not impact on the Chapter 1—Migrant Education Program Projects may of course continue to use non-project comparison groups as an option in designing and implementing evaluations of their own activities.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities because the regulations primarily affect States and State agencies, which are not defined as "small entities" under the Regulatory Flexibility Act.

The small entities that would be affected are small LEAs receiving Federal funds under this program. The regulations will remove a difficult and unnecessary requirement without imposing a significant economic impact on these small LEAs.

Paperwork Reduction Act of 1980

Section 201.52 contains information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of this section to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 110 hours per response for 51 respondents.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be

available for public inspection, during and after the comment period, in room 2149, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comments on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

List of Subjects in 34 CFR Part 201

Children, Education, Evaluation, Grant programs-education, Local educational agencies, Migratory children, Migratory workers, Reporting and recordkeeping requirements, State educational agencies.

(Catalog of Federal Domestic Assistance Number 84.011 Migrant Education Basic State Formal Grant Program)

Dated: January 21, 1992.

Lamar Alexander,

Secretary of Education.

The Secretary proposes to amend part 201 of title 34 of the Code of Federal Regulations as follows:

PART 201—CHAPTER 1—MIGRANT EDUCATION PROGRAM

1. The authority citation for part 201 continues to read as follows:

Authority: 20 U.S.C. 2781–2782, unless otherwise noted.

2. Section 201.52 is amended by revising paragraphs (b)(1), (c), and (d) to read as follows:

§ 201.52 Evaluation information to be collected.

* * * * *

(b) * * *

(1) Objective measures of the educational progress of project participants (including educational achievement in basic skills) as measured, if possible, over a 12-month testing interval through the use of appropriate forms and levels of national or State normed achievement tests. If this is not possible, the SEA or operating agency may use other acceptable measures of educational progress of migratory children, such as changes in attendance patterns, dropout rates, and other objectively applied indicators of student achievement; and

* * * * *

(c) The evaluation design for the summer school instructional project must include objective measures of the educational progress of project participants (including educational achievement in basic skills) over the project performance period.

(d) During either the regular or summer terms, the evaluation design for any support-service components must include measures of the effects of the project on participants that are consistent with the defined support services objectives. (For example, changes is student attendance rates may be an appropriate measure of the effect of guidance and counseling services.)

* * * * *

§ 201.54 [Removed]

3. Section 201.54 is removed and reserved.

[FR Doc. 92–1797 Filed 1–23–92; 8:45 am]

BILLING CODE 4000–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–7039]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
CONNECTICUT	
Ansonia (city), New Haven County	
Beaver Brook:	
Approximately 620 feet upstream of confluence with Naugatuck River	*28
At downstream side of Quillinan Reservoir Dam	*127
Whitemare Brook:	
At confluence with Beaver Brook	*96
Approximately 1,000 feet upstream of Doyle Drive	*398
Maps available for inspection at the Town Clerk's Office, 253 Main Street, Ansonia, Connecticut.	
FLORIDA	
Seminole County (unincorporated areas)	
Linden Lake: Entire shoreline within community	*46
Rice Lake: Entire shoreline within community	*46
Twin (Sanford) East: Entire shoreline within community	*50
Twin (Sanford) West: Entire shoreline within community	*52
Bath Lake: Entire shoreline within community	*68
Horseshoe Lake: Entire shoreline within community	*40
Lake Markham: Entire shoreline within community	*48
Lake Howard: Entire shoreline within community	*48
Ross Lake: Entire shoreline within community	*48
Lake Cockran: Entire shoreline within community	*30
Mills Lake: Entire shoreline within community	*45
Lake Gore: Entire shoreline within community	*43
Lake Deeks: Entire shoreline within community	*67
Lake Geneva: Entire shoreline within community	*31
Twin (Ouiede): Entire shoreline within community	*34
Buck Lake: Entire shoreline within community	*32
Lake Marion: Entire shoreline within community	*62
Lake Catherine: Entire shoreline within community	*58
Lake Nixon: Entire shoreline within community	*46
Lake Proctor (Upper): Entire shoreline within community	*31

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Lake Proctor (Lower): Entire shoreline within community	*29
Lake Rogers: Entire shoreline within community	*75
Lake Lucerne: Entire shoreline within community	*58
Boat Lake: Entire shoreline within community	*55
Clear Lake: Entire shoreline within community	*65
Lake Tony: Entire shoreline within community	*61
Sand Lake: Entire shoreline within community	*116
Pearl Lake: Entire shoreline within community	*54
Forest Lake: Entire shoreline within community	*67
Lake Harriet: Entire shoreline within community	*57
Maps available for inspection at the Seminole County Development Review Department, c/o Sheila Hill, County Services Building, Room W225, 1101 East First Street, Sanford, Florida.	
Send comments to Mr. Ron H. Rabun, Seminole County Manager, County Services Building, Room W312, 1101 East First Street, Sanford, Florida 32771.	
NEW JERSEY	
Lawrence (township), Cumberland County	
Delaware Bay: Entire shoreline within community	*9
Maps available for inspection at 67 South Main Street, Cedarville, New Jersey.	
Send comments to The Honorable Thomas Sheppard, Mayor of the Township of Lawrence, Cumberland County, R.D. 1, Cedarville, New Jersey 08311.	
NEW YORK	
Rutland (town), Jefferson County	
Black River:	
At downstream corporate limits	*511
At upstream corporate limits	*514
Boynton Creek:	
Approximately 0.75 mile downstream of Mud Rock Road	*909
Approximately 0.53 mile upstream of County Route 161	*1,043
Churchill Creek:	
Approximately 130 feet (.024 mile) downstream of Sandy Creek Road	*1,052

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	# Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 0.50 mile upstream of State Route 12	*1,091
Felts Mills Creek:	
At confluence with Black River	*577
Approximately 130 feet (.024 mile) upstream of Staplin Road	*794
Freeman Creek:	
Approximately 0.44 mile downstream of Hitchcock Road	*972
Approximately 0.39 mile upstream of Archer Road	*1,070
North Branch Sandy Creek:	
Approximately 0.81 mile downstream of Middle Road	*887
Approximately 425 feet upstream of confluence of Staplin Creek	*963
Rutland Hollow Creek:	
Approximately 1.35 miles downstream of Rutland Hollow Road	*681
Approximately 0.9 mile upstream of Andrews Road	*730
Staplin Creek:	
At confluence with North Branch Sandy Creek	*963
Approximately 115 feet upstream of Staplin Road	*1,081
Maps available for inspection at the Town Clerk's Office, 116 South Main Street, Black River, New York.	
Send comments to Mr. Herman L. Zahn, Jr., Supervisor of the Town of Rutland, Jefferson County, Route 5, Watertown, New York 13601.	
OKLAHOMA	
Noble County (unincorporated areas)	
Dry Creek:	
At county boundary	*915
Approximately 1.3 miles upstream of county boundary	*932
North Stillwater Creek:	
At county boundary	*905
Approximately 500 feet upstream of county boundary	*906
Maps available for inspection at the Noble County Courthouse, Perry, Oklahoma.	
Send comments to Mr. Bill Harney, Chairman of the Noble County Floodplain Board, Route 1, Box 241, Perry, Oklahoma 73077.	

The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Alabama	Town of Moody, St. Clair County.	Little Cahaba River	About 1,100 feet downstream of Moody Parkway.	None	*647
			Just upstream of Park Avenue	*670	*672
			About 2,600 feet upstream of Park Avenue	*676	*676
Maps available for inspection at the Town of Moody, Rt. 5, Moody, Alabama.					
Send comments to The Honorable James Sollie, Mayor, Town of Moody, Rt. 5, Box 348, Moody, Alabama 35604.					
Subject to flooding more than one source:					
Arizona	Maricopa County, Unincorporated Areas.	Basin 3, 4A, 4B, 4C or 4D	At the intersection of Grovers Avenue and 68th Street.	None	#1
		Basin 4A, 4B, 4C or 4D	Approximately 3,000 feet north of the intersection of Anderson Drive and 58th Way.	None	#1

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Basin 5, 6A, 6B, or 6C	Approximately 1,900 feet west and 1,300 feet south of the northeast corner of Section 31 in Township 5 North Range 4 East.	None	#1
		Basin 6A, 6B, or 6C	At the intersection of Rancho Loredo Drive and Rancho Tierra Drive.	None	#1
			Approximately 1,100 feet south of the intersection of 64th Street and Lone Mountain Road.	None	#2
			Approximately 2,500 feet south and 2,000 feet east of the intersection of 64th Street and Lone Mountain Road.	None	#3
Maps available for review at the Maricopa County Flood Control District, 3335 West Durango Street, Phoenix, Arizona.					
Send comments to The Honorable James Bruner, Chairman, Maricopa County Board of Supervisors, 111 South Third Avenue, Phoenix, Arizona 85003.					
Arizona	City of Phoenix, Maricopa County.	Basin 5	Approximately 1,000 feet west and 1,000 feet south of the intersection of Dynamite Boulevard and 56th Street.	None	#1
Subject to flooding from more than one source:					
		Basin 3, 4A, 4B, 4C or 4D	Approximately 500 feet west and 1,000 feet south of the intersection of Scottsdale Road and Beardsley Road.	None	#1
		Basin 4A, 4B, 4C or 4D	Approximately 1,000 feet west of the intersection of Scottsdale Road and Deer Valley Road.	None	#1
		Basin 5, 6A, 6B, or 6C	Approximately 2,200 feet north and 500 feet west of the southeast corner of Section 31, in Township 5 North Range 4 East.	None	#1
		Basin 6A, 6B, or 6C	Just north of the intersection of Lone Mountain Road and 56th Street.	None	#1
Maps available for review at the Street Transportation Department, 125 East Washington Street, Phoenix, Arizona.					
Send comments to The Honorable Paul Johnson, Mayor, City of Phoenix, City Hall, 251 West Washington Street, Phoenix, Arizona 85003.					
Arizona	City of Scottsdale, Maricopa County.	Basin 1A	Approximately 2,500 feet west of the intersection of 104th Street and Section Line 29/32 of Township 4 North Range 5 East.	None	#1
			At the intersection of Mountain Spring Road and 112th Street.	None	#2
		Basin 2B	At the intersection of Pima Road and Beardsley Road.	None	#1
			At the intersection of Foothill Road and Church Road.	None	#2
			Approximately 200 feet west of the intersection of Pinnacle Peak Road and Via Ventosa.	None	#3
		Basin 3	At the intersection of Happy Valley Road and Golf Club Drive.	None	#1
			Approximately 900 feet south of the intersection of Alma School Road and Desert Highland Drive.	None	#2
		Basin 4A	Approximately 4,000 feet east of the intersection of Pima Road and Dynamite Boulevard.	None	#2
		Basin 4C	Approximately 2,000 feet north and 3,000 feet east of the intersection of Pima Road and Dynamite Boulevard.	None	#2
			Approximately 100 feet north and 1,700 feet east of the intersection of Pima Road and Dynamite Boulevard.	None	#3
		Basin 5	Approximately 2,600 feet east and 2,600 feet north of the intersection of Scottsdale Road and Dynamite Boulevard.	None	#1
			At intersection of Lone Mountain Road and Section Line 23/24 in Township 5 North Range 4 East.	None	#2
		Basin 6A	Approximately 2,000 feet north of the intersection of Lone Mountain Road and Section Line 13/14 in Township 5 North Range 4 East.	None	#2
			Approximately 500 feet north of the intersection of Pima Road and Dove Valley Road.	None	#3
		Basin 6C	Approximately 1,500 feet east of the intersection of Dove Valley Road and Section Line 13/14 in Township 5 North Range 4 East.	None	#3
Subject to flooding from more than one source:					
		Basin 1A or 1B	Approximately 1,000 feet east and 2,500 feet south of the intersection of Beardsley Road and 96th Street.	None	#1

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 500 feet north of the intersection of Mountain Spring Road and 104th Street.	None	#2
		Basin 1A, 1B, 2A, or 2B	At the intersection of Old Verde Canal and Section Line 5/6 in Township 3 North Range 5 East.	None	#1
		Basin 2A or 2B	At the intersection of Beardsley Road and 96th Street.	None	#1
			At the intersection of Deer Valley Road and Church Road.	None	#2
		Basin 2A, 2B or 3	At the southwest corner of Section 36 in Township 4 North Range 4 East.	None	#1
		Basin 2B or 3	At the intersection of Union Hills Road and Section Line 35/36 in Township 4 North Range 4 East.	None	#1
		Basin 2B, 3, 4A, 4B, 4C or 4D	Approximately 2,000 feet east and 1,000 feet north of the intersection of Bell Road and Scottsdale Road.	None	#1
		Basin 3, 4A, 4B, 4C or 4D	At the intersection of Scottsdale Road and Beardsley Road.	None	#1
		Basin 4A or 4B	Approximately 2,500 feet east of the intersection of Pima Road and Dynamite Boulevard.	None	#2
		Basin 4A, 4B or 4C	At the intersection of Jomax Road and Wrangler Road.	None	#1
			Approximately 1,000 feet east and 1,000 feet south of the intersection of Pima Road and Dynamite Boulevard.	None	#2
			Approximately 1,500 feet east and 200 feet south of the intersection of Pima Road and Dynamite Boulevard.	None	#3
		Basin 4A, 4B, 4C or 4D	At the intersection of Pinnacle Peak Road and Los Portones Drive.	None	#1
			At the intersection of Happy Valley Road and Section Line 1/2 in Township 4 North Range 4 East.	None	#2
			Approximately 1,000 feet west of the intersection of Saddlehorn Road and Gate Road.	None	#3
			Approximately 100 feet south and 1,000 feet west of the intersection of Jomax Road and Wrangler Road.	None	#4
		Basin 6A, 6B or 6C	Approximately 2,000 feet west and 800 feet north of the intersection of Scottsdale Road and Lone Mountain Road.	None	#1
			Approximately 300 feet north of the intersection of Scottsdale Road and Lone Mountain Road.	None	#2
			Approximately 1,500 feet south and 200 feet west of the intersection of Scottsdale Road and Lone Mountain Road.	None	#3
Maps are available for review at City Clerk's Office, 3939 Civic Center Plaza, Scottsdale, Arizona.					
Send comments to The Honorable Herbert Drinkwater, Mayor, City of Scottsdale, 3939 Civic Center Plaza, Scottsdale, Arizona 85251.					
Arizona	City of Show Low, Navajo County.	Show Low Creek	Approximately 1.57 miles upstream of U.S. Highway 60.	*6,346	*6,346
			Approximately 5,390 feet downstream of Jaques Dam.	None	*6,512
			Approximately 1,050 feet downstream of Jaques Dam Weir.	None	*6,552
Maps are available for review at the City Engineering Department, City Hall, 200 West Cooley Street, Show Low, Arizona.					
Send comments to The Honorable Gerry Whipple, Mayor, City of Show Low, City Hall, 200 West Cooley Street, Show Low, Arizona 85901.					
Arkansas	Russellville, City, Pope County.	Engineers Ditch	Approximately 0.2 river mile upstream of confluence with Prairie Creek.	*335	*334
			Approximately 0.4 river mile upstream of West 3rd Place.	None	*371
		Engineers Tributary	At confluence with Engineers Ditch	None	*348
			Approximately 1,000 feet upstream of South Vancouver.	None	*367
		Prairie Creek	Approximately 0.2 river mile upstream of confluence of Engineers Ditch.	*335	*334
			Upstream of State Route 326	None	*348
		Prairie Creek Tributary	At confluence with Prairie Creek	None	*363
			Upstream of State Route 326	None	*386
		Whig Creek	Approximately .5 river mile downstream of State Route 7.	None	*323

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Upstream side of Union Pacific Railroad	None	*396
		Whig Creek Tributary	At confluence with Whig Creek	None	*345
			Approximately 0.5 river mile upstream of East 16th Street.	None	*363
		Illinois Bayou	At confluence with Arkansas River	None	*339
			Approximately 530 feet upstream of Point View Road.	None	*346
		Arkansas River	At State Route 7	None	*323
			At confluence of Illinois Bayou	None	*339
Maps available for inspection at the Planning and Zoning Department, 200 Block W. 2nd Street, Russellville, Arkansas.					
Send comments to The Honorable Woody Harris, Mayor of the City of Russellville, Pope County, P.O. Box 428, Russellville, Arkansas 72801.					
California	City of Bell, Los Angeles County.	Los Angeles River	Between Los Angeles River and Long Beach Freeway, 2,000 feet south of Florence Avenue.	None	*109
Maps are available for review at City of Bell Department of Community Services, 6330 Pine Avenue, Bell, California.					
Send comments to The Honorable Rolf Janssen, Mayor, City of Bell, 6330 Pine Avenue, Bell, California 90201.					
California	City of Bellflower, Los Angeles County.	Los Angeles River	At the intersection of Rose Street and Lakewood Boulevard.	None	*61
			At the intersection of Artesia Freeway and Lakewood Boulevard.	None	*67
			At the intersection of Lakewood Boulevard and Alondra Street.	None	*71
Maps are available for review at the Planning Department, City Hall, 16600 Civic Center Drive, Bellflower, California.					
Send comments to The Honorable William J. Pendleton, Mayor, City of Bellflower, 16600 Civic Center Drive, Bellflower, California 90706.					
California	City of Bell Gardens, Los Angeles County.	Rio Hondo	Approximately 500 feet west of the intersection of Shull Street and Eastern Avenue.	None	*109
Maps are available for review at the Building Department, City of Bell Gardens, 7100 South Garfield Avenue, Bell Gardens, California.					
Send comments to the Honorable Robert Cunningham, Bell Gardens City Hall, 7100 South Garfield Avenue, Bell Gardens, California 90201.					
California	City of Carson, Los Angeles County.	Los Angeles River	Approximately 4,600 feet south of the Sepulveda Boulevard bridge over Domiguez Channel.	None	*13
			At the Carson Street underpass beneath San Diego Freeway.	None	*20
			At the intersection of Prospect Avenue and Van Buren Street.	None	*35
			Just east of Compton Creek and west of Long Beach Freeway.	None	*52
			At the intersection of Carson Street and Wilmington Avenue.	None	#3
Maps are available for review at the Public Works Department, 701 East Carson Street, Carson, California.					
Send comments to The Honorable Michael I. Mitoma, 701 East Carson Street, Carson, California 90749.					
California	City of Compton, Los Angeles County.	Los Angeles River	Approximately 1,200 feet south of Artesia Freeway just east of the Southern Pacific Railroad.	None	*56
			At the intersection of Long Beach Boulevard and Temple Avenue.	None	*65
			At the intersection of Long Beach Boulevard and Elm Street.	None	*71
			At the intersection of South San Antonio Avenue and East Compton Boulevard.	None	*74
			At Banning Street west of Santa Fe Avenue	None	*80
Maps are available for review at the Planning Department, 205 South Willowbrook Avenue, Compton, California.					
Send comments to The Honorable Walter Tucker, Mayor, City of Compton, 205 South Willowbrook Avenue, Compton, California 90220.					
California	City of Downey, Los Angeles County.	Los Angeles River	At the intersection of Century Boulevard and Verdura Avenue.	None	*81
			At the intersection of Golden Avenue and Bixler Avenue.	None	*83
		Rio Hondo	Approximately 100 feet west of the intersection of Brock Avenue and Gardendale Street.	None	*85
			At the intersection of Bellflower Boulevard and Washburn Road.	None	*100
			At the intersection of Muller Street and Lakewood Boulevard.	None	*118
			At the intersection of Paramount Boulevard and Florence Avenue.	None	*126
			At the intersection of Telegraph Road and Lakewood Boulevard.	None	*143
			At the intersection of Patton Road and Cleta Street.	None	#1

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At the intersection of Downey Avenue and Texas Street.	None	#2
Maps are available for review at Downey City Hall, 11111 Brookshire Avenue, Downey, California.					
Send comments to the Honorable Barbara Hayden, Mayor, City of Downey, 11111 Brookshire Avenue, Downey, California 90240.					
California	City of Gardena, Los Angeles County.	Los Angeles River	At the intersection of Artesia Boulevard and Normandie Avenue.	None	*20
Maps are available for review at the Community Development Department, 1700 West 162nd Street, Room 101, Gardena, California.					
Send comments to The Honorable Donald Dear, Mayor, City of Gardena, 1700 West 162nd Street, Gardena, California 90247.					
California	City of Lakewood, Los Angeles County.	Los Angeles River	At the intersection of Carson Street and Palo Verde Avenue.	None	*36
			At the intersection of Palo Verde Avenue and Turner Grove Drive.	None	*43
			Approximately 700 feet south of the intersection of South Street and Lakewood Boulevard.	None	*54
			Approximately 400 feet north of the intersection of Lakewood Boulevard and Ashworth Street.	None	*61
			At the intersection of Del Amo Boulevard and Palo Verde Avenue.	None	#1
			At the intersection of Woodruff Avenue and Arbor Road.	None	#2
Maps are available for review at the Community Development Department, Lakewood City Hall, 5050 Clark Avenue, Lakewood, California.					
Send comments to The Honorable Robert Wagner, Mayor, City of Lakewood, c/o Howard Chambers, City Administrator, 5050 Clark Avenue, Lakewood, California 90712.					
California	City of Long Beach, Los Angeles County.	Los Angeles River	At the intersection of Second Street and the Pacific Coast Highway.	None	*11
			Approximately 200 feet south of the intersection of Santa Fe Avenue and 23rd Street.	None	*15
			At the intersection of Willow Avenue and Magnolia Avenue.	None	*23
			Just upstream of the intersection of Wardlow Road and Bellflower Boulevard.	None	*30
		Los Angeles River	Just east of the Los Angeles River and south of San Diego Freeway.	None	*38
			At the intersection of Virginia Avenue and 48th Street.	None	*50
			At the intersection of Long Beach Freeway and Del Amo Boulevard.	None	*52
			At the intersection of Myrtle Avenue and 63rd Street.	None	*57
			At the intersection of Myrtle Avenue and 72nd Street.	None	*68
Maps are available for review at the Department of Public Works, 333 West Ocean Boulevard, Long Beach, California.					
Send comments to The Honorable Ernie Kell, Mayor, City of Long Beach, Civic Center Plaza, 333 West Ocean Boulevard, Long Beach, California 90802.					
California	City of Los Angeles, Los Angeles County.	Los Angeles River	At the intersection of Alameda Street and Avalon Boulevard.	None	*11
			At Pacific Coast Highway bridge over Dominguez Channel.	None	*12
			At the intersection of Vermont Avenue and Artesia Freeway.	None	*20
			Approximately 2,000 feet south of San Diego Freeway.	None	*27
			Approximately 200 feet upstream of the Brooklyn Avenue bridge, just east of the Los Angeles River channel.	None	*297
			Approximately 1,650 feet upstream of the Broadway bridge, just east of the Los Angeles River channel.	None	*311
Maps are available for review at the current address, 200 North Main Street, Room 600, City Hall East, Los Angeles, California, and at the new address, tentatively effective November 25, 1991, 600 South Spring Street, Suite 400, Los Angeles, California.					
Send comments to The Honorable Tom Bradley, Mayor, City of Los Angeles, 200 North Spring Street, Room 305, City Hall, Los Angeles, California 90012.					
California	Los Angeles County, Unincorporated Areas.	Los Angeles River	Approximately 1,600 feet south of the intersection of Westminster Avenue and Studebaker Road.	None	*11
			Approximately 500 feet south of the intersection of Westminster Avenue and Studebaker Road.	None	*12

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At the intersection of Del Amo Boulevard and Santa Fe Avenue.	None	*41
			At the intersection of Del Amo Boulevard and Susana Road.	None	*52
			Approximately 650 feet south of the intersection of Atlantic Avenue and Compton Boulevard.	None	*68
			At Long Beach Freeway just north of the Fernwood Avenue overpass.	None	*85
			Just west of the intersection of Del Amo Boulevard and Alameda Street.	None	#3
		Rio Hondo	Just east of the Los Angeles River, just upstream of Fernwood Avenue.	None	83
			Just east of the Los Angeles River and just south of the Imperial Highway bridge.	None	94

Maps are available for review at the Los Angeles County Public Works Department, 11th Floor, Planning Division, 900 South Fremont Avenue, Los Angeles, California.

Send comments to The Honorable Michael D. Antonovich, Chairperson, Los Angeles County Board of Supervisors, 869 Hall of Administration, 320 West Temple Street, Los Angeles, California 90012.

California	City of Lynwood, Los Angeles County.	Los Angeles River	At the intersection of McMillan Street and Atlantic Avenue.	None	*75
			At the intersection of Euclid Avenue and Peach Street.	None	*78
			At the intersection of Atlantic Avenue and Agnes Avenue.	None	*81
			At the intersection of Cortland Street and Louise Avenue.	*78	*85
			At the intersection of Century Boulevard and Louise Avenue.	*81	*85

Maps are available for review at the Department of Public Works, Engineering Division, City Hall Annex, 11330 Bullis Road, Lynwood, California.

Send comments to the Honorable Louis Heine, Mayor, City of Lynwood, 11330 Bullis Road, Lynwood, California 90262.

California	City of Montebello, Los Angeles County.	Rio Hondo	Just east of Rio Hondo Channel in line with Beach Street.	None	*168
			Just east of Rio Hondo Channel, 300 feet south of Beverly Boulevard.	None	*184

Maps are available for review at City Hall, 1600 West Beverly Boulevard, Montebello, California.

Send comments to The Honorable Arthur Payan, Mayor, City of Montebello, 1600 West Beverly Boulevard, Montebello, California 90640.

California	City of Paramount, Los Angeles County.	Los Angeles River	At the intersection of South Downey Avenue and East Flower Street.	None	*68
			Four hundred feet north of the intersection of South Orange Avenue and East Alondra Boulevard.	None	*71
			At the intersection of East Golden Avenue and Obispo Avenue.	None	*83
			Just west of the Los Angeles River channel and south of the Union Pacific Railroad Bridge.	None	*84
		Rio Hondo	At the intersection of South Orizaba Avenue and East Golden Avenue.	None	*83
			At the intersection of South Orange Avenue and East Hogee Drive.	None	*84
			Approximately 200 feet northwest of the intersection of East Gardendale Street and South Brocks Avenue.	None	*86

Maps are available for review at City Public Works Yard, 15300 Downey Avenue, Paramount, California, and City Building Department, 16400 Colorado Avenue, Paramount, California.

Send comments to The Honorable Gerald A. Mulrooney, Mayor, City of Paramount, 16400 Colorado Avenue, Paramount, California 90723.

California	City of Pico Rivera, Los Angeles County.	Rio Hondo	Just upstream of the intersection of Rosemead Boulevard and Telegraph Road.	None	*143
			At the intersection of Loch Alene Avenue and Foxbury Way.	None	*158
			At the intersection of Rieshel Street and Picovista Road.	None	*162
			At the intersection of Calico Avenue and Friendship Avenue.	None	*190
			At the intersection of Mines Avenue and Cord Avenue.	None	#1

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Public Works Department, 6615 Passons Boulevard, Pico Rivera, California 90660. Send comments to The Honorable Garth Gardner, Mayor, City of Pico Rivera, 6615 Passons Boulevard, Pico Rivera, California 90660					
California	City of South Gate, Los Angeles County.	Rio Hondo	At the intersection of Paramount Boulevard and Florence Avenue.	None	*83
			At the intersection of Imperial Highway and Garfield Place.	None	*94
			At the crossing of Union Pacific Railroad and Miller Way.	None	*108
			At the intersection of Garfield Avenue and Firestone Boulevard.	None	*109
			At Southern Pacific Railroad just east of Rio Hondo Channel.	None	*113
		Los Angeles River	At the intersection of Century Boulevard and Paramount Boulevard.	None	*83
Maps are available for review at the Office of the City Clerk, South Gate City Hall, 8650 California Avenue, South Gate, California. Send comments to The Honorable Gregory Slaughter, Mayor, City of South Gate, 8650 California Avenue, South Gate, California 90280.					
Connecticut	Marlborough, Town, Hartford County.	Cattle Lot Brook	Approximately 175 feet upstream of confluence with Dickinson Creek.	*355	*356
			At upstream corporate limits	None	*375
		Fawn Hill Brook	Approximately 400 feet upstream of confluence of Dickinson Creek.	*360	*361
			Approximately .6 mile upstream of State Route 66.	None	*415
		Fawn Brook	Approximately 215 feet upstream of confluence with Black Ledge River.	*179	*180
			Approximately 250 feet upstream of confluence with Black Ledge Creek.	*179	*181
		West Branch Dickinson Creek	Upstream side of New London Turnpike	None	*418
			At Chapman Road	None	*420
Maps available for inspection at the Town Hall, 26 North Main Street, Marlborough, Connecticut. Send comments to Mr. Allan Shusterman, First Selectman of the Town of Marlborough, Hartford County, Town Hall, P.O. Box 29, Marlborough, Connecticut 06447.					
Connecticut	Washington, Town, Litchfield County.	Shepaug River	At the downstream corporate limits	*373	*370
			At the upstream corporate limits	*732	*735
		Bantam River	At the confluence with Shepaug River	*625	*617
			At a point approximately 1,950 feet upstream of the confluence with Shepaug River.	*625	*624
Maps available for inspection at the Town Hall, 2 Bryan Plaza, Washington, Connecticut. Send comments to Mr. Alan Chapin, First Selectman of the Town of Washington, Litchfield County, Town Hall, P.O. Box 383, Washington Depot, Connecticut 06794.					
Florida	Unincorporated Areas of Clay County.	Black Creek	At mouth	*6	*5
			At confluence with North Fork and South Fork Black Creek.	*14	*15
		Grog Creek	At mouth	None	*14
			About 2,750 feet upstream of Blanding Boulevard.	None	*22
		Bradley Creek	At mouth	*9	*8
			About 400 feet downstream of trail road	None	*45
			Just upstream of trail road	None	*52
			Just downstream of State Road 218	None	*74
			Just upstream of State Road 218	None	*80
		Dillaberry Branch	At mouth	None	*17
			Just downstream of State Route 218	None	*79
		Polander Branch	At mouth	None	*18
			Just downstream of County Highway 218	None	*25
			About 350 feet upstream of County Highway 218.	None	*32
		Big Branch	At mouth	None	*24
			Just downstream of County Highway 218	None	*75
			Just upstream of County Highway 218	None	*84
		Duckwater Branch	At mouth	None	*48
			Just downstream of County Highway 218	None	*74
			Just upstream of County Highway 218	None	*80
		Mill Creek	At mouth	None	*22
			Just upstream of Calendula Avenue	None	*48
		Peters Creek	At mouth	*6	*5
			Just downstream of Farm Road	*6	*8
		Ortega River	Just upstream of Interstate 295	*8	*7
			About 2,000 feet upstream of confluence of Tributary No. 1.	*15	*11

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Governors Creek	At mouth	*6	*5
			About 1,300 feet downstream of State Road 16.	*6	*6
		Clarkes Creek	At mouth	*6	*5
			About 2,650 feet downstream of County Highway 209.	*6	*6
		Double Branch	At mouth	*11	*14
			About 4,000 feet upstream of mouth	*14	*14
		Bull Creek	At mouth	None	*22
			About 4,550 feet upstream of County Highway 215.	None	*50
		South Prong Double Branch	At mouth	None	*32
			About 1.1 miles upstream of Branan Field Road.	None	*60
		North Fork Black Creek	At mouth	*14	*15
			Just downstream of North Road	None	*91
		North Fork Black Creek Tributary No. 2.	At mouth	*17	*17
			Just downstream of Long Bay Road	None	*57
		North Fork Black Creek Tributary No. 1.	At mouth	*14	*16
			About 600 feet upstream of County Highway 220.	*16	*16
		Swimming Pen Creek	Entire reach	*6	*5
		St. Johns River	Within community	*6	*5
		St. Johns River Tributary No. 1.	At mouth	*6	*5
			Just upstream of U.S. Route 17	*7	*7
		St. Johns River Tributary No. 2.	At mouth	*6	*5
			Just downstream of County Highway 209	*6	*6
		St. Johns River Tributary No. 3.	Entire reach	*6	*5
		South Fork Black Creek	At mouth	*14	*15
			About 2,500 feet upstream of State Road 218	*15	*15
		Peters Branch	At mouth	None	*5
			Just downstream of U.S. Route 17	None	*10
		Little Black Creek	At mouth	*9	*9
			About 1,900 feet downstream of Cheswick Oak Avenue.	*35	*34
		Little Black Creek Tributary No. 1.	At mouth	*10	*14
			About 7,000 feet upstream of Branan Field Road.	None	*41
		Little Black Creek Tributary No. 2.	At mouth	*12	*14
			About 3,000 feet above mouth	*14	*14
		Lake Opal	Along shoreline	None	*124
		Loch Lomond	Along shoreline	None	*108
		North Lake Ashbury	Along shoreline	None	*28
		South Lake Ashbury	Along shoreline	None	*48
		Lake Lark	Along shoreline	None	*41
		Lake Ryan	Along shoreline	None	*52
		Crystal Lake	Along shoreline	None	*114
		Blue Pond	Along shoreline	None	*176
		Little Lake Geneva	Along shoreline	None	*100
		Deer Springs Lake	Along shoreline	None	*111
		Lake Lure	Along shoreline	None	*100
		Lake Hutchinson	Along shoreline	None	*109
		Silver Sand Lake	Along shoreline	None	*96
		Allen Pond	Along shoreline	None	*95
		Oldfield Pond	Along shoreline	None	*103
		Bundy Lake	Along shoreline	None	*83
		Pebble Lake	Along shoreline	None	*109
		Lake Lily	Along shoreline	None	*113

Maps available for inspection at the Clay County Building & Zoning Department, Green Cove Springs, Florida.

Send comments to the Honorable Doug Anderson, Clay County Manager, P.O. Box 1366, Green Cove Springs, Florida 32043.

Florida	Unincorporated Areas of Hillsborough County.	*Rocky Creek	Just upstream of Gunn Highway	None	*31
			Just downstream of Lutz Lake-Fern Road	None	*65
		Baker-Pemberton Creek	At mouth	None	*40
			Just downstream of Forbes Road	None	*91
		Tributary A	At mouth	None	*80
			About 700 feet upstream of U.S. Route 92	None	*86
		Spartman Branch	At mouth	None	*90

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			About 3,500 feet upstream of Turkey Creek Road.	None	*102
		Brushy Creek	Just upstream of Gunn Highway	None	*33
			Just downstream of Dale Mabry Highway	None	*56
		Sweetwater Creek Diversion	At mouth	None	*10
			About 3,900 feet upstream of Hanley Road	None	*10
		Sweetwater Creek	Just upstream of divergence from Sweetwater Creek Diversion.	None	*10
			Just downstream of Water Control Structure G-1.	None	*10
			Just upstream of Water Control structure G-1	None	*16
			Just downstream of Lake Magdalene Boulevard.	None	*51
		Curiosity Creek	Just upstream of West Fowler Avenue	None	*32
			Just downstream of Bearss Avenue	None	*51
		Brooker Creek	At county boundary	None	*30
			Just downstream of Van Dyke Road	None	*53
		Flint Creek	At mouth	None	*39
			About 2,900 feet upstream of Knights-Griffin Road.	None	*40
		Campbell Branch	Just upstream of confluence of Flint Creek	None	*40
			Just downstream of Forbes Road	None	*92
Maps available for inspection at the Development Services Center, 800 Twigg Street, Room 101, Tampa, Florida.					
Send comments to The Honorable Fred Karl, County Administrator, Hillsborough County, P.O. Box 1110, Tampa, Florida 33601.					
Florida	Unincorporated Areas of Pasco County.	Bear Creek	Just downstream of Bear Creek Drive	*24	*24
			About one mile upstream of Citrus Street	None	*42
		Buckhorn Creek	At mouth	*26	*25
			About 1.5 miles upstream of Sugar Creek Boulevard.	None	*35
		Cabbage Swamp	About 1300 feet upstream of mouth	*52	*52
			Just downstream of Interstate 75	*54	*53
		Fivemile Creek	At mouth	*46	*46
			About 1,000 feet downstream of CSX railroad	None	*66
		Trout Creek	At county boundary	*53	*52
			About 0.9 mile upstream of unnamed road	None	*78
		Tributary No. 1	Just downstream of Ridge Top Drive	*10	*10
			Just upstream of Summerfield Drive	None	*12
		Tributary No. 2	About 0.3 mile upstream of mouth	*10	*10
			About 0.9 mile downstream of unnamed road	None	*46
		Tributary No. 3	At mouth	None	*39
			About 4,000 feet upstream of mouth	None	*41
		Tributary No. 5	At mouth	*11	*11
			Just downstream of unnamed road	None	*17
		Tributary No. 6	At mouth	*13	*13
			Just downstream of Cedar Boulevard	None	*16
		Tributary No. 7	At mouth	*26	*26
			About 1.1 miles upstream of unnamed road	None	*32
		Tributary No. 9	At mouth	*34	*34
			About 1,600 feet upstream of Trail Road	None	*35
		Tributary No. 11	Just downstream of Manatee Avenue	None	*36
			Just downstream of State Road 587	None	*41
		Tributary No. 12	At mouth	None	*32
			Just downstream of Quail Hollow Boulevard	None	*42
		Tributary No. 13	Just downstream of Star Terrace	None	*18
			Just downstream of Lake View Drive	None	*25
		Tributary No. 14	About 0.3 mile upstream of Massachusetts Avenue.	None	*23
			About 1.0 mile upstream of Massachusetts Avenue.	None	*24
		Tributary No. 15	Within community	None	*35
		Tributary No. 16	At mouth	None	*62
			Just downstream of CSX railroad	None	*66
		Tributary No. 18	About 1,600 feet upstream of mouth	None	*65
			Just upstream of Golden Meadow Boulevard North.	None	*72
		Tributary No. 19	At mouth	None	*70
			Just downstream of Quail Hollow Boulevard	None	*73
		Tributary No. 20	At mouth	*57	*57
			Just downstream of unnamed road	None	*70
		Tributary No. 21	At mouth	*55	*56
			About 0.5 mile upstream of Haverhill Road	None	*70
		Tributary No. 22	About 0.4 mile upstream of mouth	*52	*57
			About 300 feet downstream of Interstate 75	None	*66
		Tributary No. 23	At mouth	None	*60

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			About 400 feet downstream of State Route 54	None	*78
		Tributary No. 24	At mouth	None	*60
			Just downstream of unnamed road	None	*86
		Tributary No. 25	About 0.3 mile downstream of Lake View Drive	None	*24
			About 0.7 mile upstream of Lake View Drive	None	*26
		Zephyr Creek	About 0.6 mile upstream of mouth	*62	*62
			About 1.4 miles upstream of Geiger Road	None	*129
Maps available for inspection at the Development Services, 7432 Little Road, New Port Richey, Florida.					
Send comments to The Honorable John Gallagher, County Administrator, Pasco County, 7530 Little Road, New Port Richey, Florida 34654.					
Georgia	City of Decatur, De Kalb County.	Shoal Creek	About 2,500 feet downstream of Midway Road	*915	*916
			Just downstream of Kirk Road	*957	*950
			Just upstream of Kirk Road	*960	*961
			Just downstream of Hilldale Drive	*973	*970
			Just upstream of Hilldale Drive	*976	*978
			About 900 feet upstream of South Columbia Drive.	None	*992
		Shoal Creek West Tributary	At mouth	*933	*931
			Just downstream of South McDonough Street	*967	*965
			Just upstream of South McDonough Street	*972	*971
			Just downstream of Adams Street	*975	*971
			Just upstream of Adams Street	*977	*976
			Just downstream of Ansley Street	*989	*988
		Peavine Creek	At confluence of Peavine Creek Tributary	*930	*935
			Just downstream of Coventry Road	*930	*935
			Just upstream of Coventry Road	*942	*945
			About 1,000 feet upstream of Coventry Road	*942	*945
		Peavine Creek Tributary	At mouth	*930	*935
			Just downstream of West Ponce de Leon Avenue.	None	*970
		South Fork Peachtree Creek Tributary.	Just downstream of North Decatur Road	None	*902
			Just upstream of North Decatur Road	*909	*907
			Just downstream of Scott Boulevard	*911	*911
			Just upstream of Scott Boulevard	*913	*917
			Just downstream of Church Street	*926	*927
			Just upstream of Church Street	*932	*936
			Just downstream of Glendale Avenue	*941	*949
		Sugar Creek Tributary	About 700 feet downstream of Second Avenue	*978	*982
			About 1,050 feet upstream of Second Avenue	*1000	*989
		Church Street Branch	At mouth	None	*923
			Just downstream of Willow Lane	None	*925
			Just upstream of Willow Lane	None	*930
			Just downstream of Medlock Road	None	*944
		Lamont Drive Branch	At mouth	None	*956
			Just downstream of Wilton Drive	None	*964
			Just upstream of Wilton Drive	None	*979
Maps available for inspection at the City Engineer's Office, Public Works Building, 2635 Talley Street, Decatur, Georgia.					
Send comments to The Honorable Michael Mears, Mayor, City of Decatur, P.O. Box 220, Decatur, Georgia 30031.					
Georgia	Unincorporated Areas of Effingham County.	Little Ogeechee River	About 1.9 miles downstream of CSX Railroad	None	*22
			Just downstream of Blue Jay Road	None	*44
		Ogeechee River	About 4.1 miles downstream of State Route 404.	None	*30
			About 6.2 miles upstream of State Route 26	None	*51
		Horning Swamp	At mouth	None	*32
			Just downstream of State Route 30	None	*59
		Walthour Swamp	About 3.2 miles downstream of State Route 30	None	*20
			Just downstream of State Route 30	None	*42
		Ogeechee Run	At mouth	None	*42
			About 1.1 miles upstream of State Route 17	None	*53
Maps available for inspection at the County Courthouse Annex, Zoning Office, Springfield, Georgia.					
Send comments to The Honorable Kim Warnock, Chairman, Board of County Commissioners, Effingham County, East 7th Street, P.O. Box 307, Springfield, Georgia 31329.					
Iowa	City of Urbandale, Polk and Dallas Counties.	North Walnut Creek	Just upstream of Hickman Road	*848	*847
			About 2,300 feet upstream of Northwest 100th Street.	*914	*911
		Beaver Creek	About 0.8 mile upstream of Chicago and North Western railroad.	None	*808
			About 1.9 miles upstream of Chicago and North Western railroad.	None	*810

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Walnut Creek	Just upstream of U.S. Highway 6	*878	*878
			About 7,750 feet upstream of U.S. Highway 6	*886	*886
Maps available for inspection at the City Engineers Office, 3315 70th Street, Urbandale, Iowa 50332.					
Send comments to The Honorable B.J.E. Giovannetti, Mayor, City of Urbandale, 3315 70th Street, P.O. Box 3540, Urbandale, Iowa 50332.					
Kentucky	Lexington-Fayette Urban County Government, Fayette County.	Cane Run	Just upstream of Private Drive	*890	*892
			Just upstream of Newton Road	*918	*919
		South Elkhorn Creek	Just upstream of Old Versailles Road	*846	*849
			Just upstream of Higbee Mill Road	*929	*931
		Cave Creek	At mouth	*859	*862
			Just downstream of Man O' War Boulevard	*916	*916
			Just upstream of Man O' War Boulevard	*917	*936
			Just downstream of Ridgecane Road	*937	*939
			Just upstream of Ridgecane Road	*937	*947
			About 1,470 feet upstream of Ridgecane Road	*958	*956
		Parker's Mill Tributary	At mouth	*867	*869
			About 0.72 miles upstream of Private Drive	*906	*912
		Dogwood Tributary	At mouth	*937	*947
			About 0.55 miles upstream of Unnamed Drive	None	*996
		Drive-In Tributary	At mouth	None	*900
			About 1.09 miles upstream of mouth	None	*915
		Quarry Tributary	At mouth	None	*917
			About 950 feet upstream of Clays Mill Road	None	*943
		Waveland Museum Tributary	At mouth	None	*931
			Just downstream of Grassy Creek Drive	None	*936
			Just upstream of Grassy Creek Drive	None	*941
			About 0.28 miles upstream of Field Road	None	*987
		West Hickman Creek	Just downstream of New Circle Road	*930	*931
			Just upstream of New Circle Road	*931	*937
			Just downstream of Alumni Drive	*940	*941
			Just upstream of Alumni Drive	*940	*948
		Higbee Mill Road Tributary	At mouth	None	*894
			About 1.79 miles upstream of mouth	None	*983
		Tiverton Way Tributary	At mouth	None	*898
			Just downstream of Man O' War Boulevard	None	*913
		I-75 Tributary	Just downstream of Interstate 75	*922	*923
			Just upstream of Interstate 75	*924	*930
			About 1.39 miles upstream of Residential Drive	None	*1,021
		Eastland Park Tributary	At mouth	*925	*931
			About 0.42 miles upstream of the mouth	*933	*936
		U.S. Route 60 Tributary	At mouth	None	*936
			Just downstream of dam	None	*952
			Just upstream of dam	None	*969
			Just downstream of Winchester Road	None	*970
		Tiverton Way Tributary	Just upstream of Man O' War Boulevard	None	*921
			Just downstream of Yale Drive	None	*957
			Just upstream of Yale Drive	None	*964
		Wilson Downing Road Tributary.	At mouth	*905	*906
			Just downstream of Camelot Road	*934	*935
			Just upstream of Camelot Road	*938	*945
			About 370 feet upstream of Argonne Circle	*980	*989
		Flintridge Drive Tributary	At mouth	None	*964
			About 950 feet upstream of mouth	None	*977
		Pleasant Ridge Church Tributary.	At mouth	None	*950
			About 0.60 mile upstream of mouth	None	*966
		Two Ponds Tributary	At mouth	None	*966
			About 0.32 mile upstream of mouth	None	*988
		East I-75 Tributary	At mouth	None	*937
			About 0.26 mile upstream of Residential Drive	None	*978
		Shadeland Tributary	At mouth	*980	*980
			Just downstream of Tates Creek Road	*993	*994
			Just upstream of Tates Creek Road	None	*999
			About 850 feet upstream of Tates Creek Road	None	*1,004
		Todds Road Tributary	Just downstream of Interstate 75	None	*995
			Just upstream of Interstate 75	None	*1,002
			About 0.45 mile upstream of Walnut Hill-Chilesburg Road.	None	*1,013
		Todds Road Tributary North	At mouth	None	*986
			About .060 mile upstream of mouth	None	*1,012
		Reservoir Tributary East	Just upstream of dam	None	*971
			Just downstream of Jerrico Drive	None	*994
			Just upstream of Jerrico Drive	None	*1,003

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Just downstream of Private Drive	None	*1,008
			Just upstream of Private Drive	None	*1,020
			Just downstream of Palumbo Drive	None	*1,026
		Cadentown Branch	At mouth	*970	*972
			Just downstream of Gingermill Lane	*973	*977
			Just upstream of Gingermill Lane	*973	*984
			Just downstream of Caden Lane	*1,025	*1,206
		Cadentown Branch East	At mouth	*990	*991
			Just downstream of Todds Road	None	*998
			Just upstream of Todds Road	None	*1,006
			About 0.38 mile upstream of Todds Road	None	*1,018
		Tates Creek	Just downstream of eastbound New Circle Road exit ramp.	*931	*930
			Just upstream of eastbound New Circle Road exit ramp.	*938	*935
			Just upstream of New Circle Road	*940	*940
			Just downstream of Tates Creek Road	*942	*943
			Just upstream of Tates Creek Road	*948	*949
			About 1,500 feet upstream of Alumni Drive	*993	*1,004
		Lansdowne Road Tributary	At mouth	*943	*943
			About 800 feet upstream of Libby Lane	None	*987
	Maps available for inspection at the Planning Department, 200 East Main Street, Lexington, Kentucky. Send comments to The Honorable Scotty Baesler, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, Kentucky 40501.				
Louisiana	Gonzales, City, Ascension Parish.	Bayou Francois	At downstream corporate limits	*7	*9
			Approximately 1,300 feet upstream of upstream corporate limits.	*11	*12
	Maps available for inspection at the City Hall, 120 South Irma Boulevard, Gonzales, Louisiana. Send comments to The Honorable John A. Berthelot, Mayor of the City of Gonzales, Ascension Parish, 120 South Irma Boulevard, Gonzales, Louisiana 70737.				
Maine	Greenville (Town), Piscataquis County.	Moosehead Lake	At West Cove Point	None	*1,030
	Maps available for inspection at the Town Office, Minden Street, Greenville, Maine. Send comments to Mr. David Cota, Greenville Town Manager, Piscataquis County, P.O. Box 1109, Greenville, Maine 04441				
Maryland	Baltimore County (Unincorporated Areas).	Gwynns Falls	Approximately 200' upstream of McDonough Road.	*428	*429
			Approximately 50' upstream of South Dolfield Road.	*461	*462
	Map available for inspection at the County Office Building, 111 W. Chesapeake Avenue, Floor 3, Room 315, Towson, Maryland. Send comments to Mr. Roger Hayden, Baltimore County Executive, Baltimore County, 400 Washington Avenue, Towson, Maryland 21204.				
Massachusetts	Webster, Town, Worcester County.	Lake Webster	Entire shoreline	None	*481
	Maps available for inspection at the Town Hall, Building Inspector's office, Engineering Department, Webster, Massachusetts. Send comments to Mr. Bill Cunningham, Chairman of the Town of Webster, Board of Selectmen, Worcester County, P.O. Box 249, Webster, Massachusetts 01570.				
Minnesota	Unincorporated Areas of Aitkin County.	Mississippi River	About 4.7 miles downstream of confluence of Sandy River.	None	*1,221
			About 10.0 miles upstream of confluence of Sandy River.	None	*1,226
	Maps available for inspection at the Aitkin County Courthouse, Planning and Zoning Office, Aitkin, Minnesota. Send comments to The Honorable Darrell Brouggman, Acting Chairman of Aitkin County Board, Aitkin County Courthouse, Aitkin, Minnesota 56431.				
Minnesota	City of Austin, Mower County.	Dobbins Creek	At mouth	*1,192	*1,192
			Just downstream of East Side Lake Dam	*1,195	*1,192
			Just upstream of East Side Lake Dam	*1,195	*1,198
			Just downstream of Interstate 90	*1,199	*1,198
	Maps available for inspection at the City Hall, Engineering Department, Austin, Minnesota. Send comments to The Honorable John O'Rourke, Mayor, City of Austin, City Hall, 500 4th Avenue, NE, Austin, Minnesota 55912				
Minnesota	City of Brownton, McLeod County.	Buffalo Creek	About 3,200 feet downstream of County Highway 25.	None	*1,012
			About 1,900 feet upstream of County Highway 25.	None	*1,014
	Maps available for inspection at the City Hall, 528 2nd Street North, Brownton Minnesota. Send comments to The Honorable Carl Wachter, Mayor, City of Brownton, 528 2nd Street North, Brownton, Minnesota 55312.				
Minnesota	City of Dayton, Hennepin and Wright Counties.	Crow River	At mouth	*857	*857
			About 1.44 miles upstream of mouth	*863	#859

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the City Hall, City Administrator's Office, 12260 South Diamond Lake Road, Dayton, Minnesota. Send comments to The Honorable Philip Forseth, Mayor, City of Dayton, City Hall, 12260 South Diamond Lake Road, Dayton, Minnesota 55327.					
Minnesota	City of Glencoe, McLeod County.	Buffalo Creek	About 1.19 miles downstream of Hennepin Avenue.	*989	*986
			About 0.72 mile upstream of pedestrian bridge	None	*991
Maps available for inspection at the City of Glencoe, City Administrative Office, 630 10th Street East, Glencoe, Minnesota. Send comments to The Honorable Raymond Wilkens, Mayor, City of Glencoe, 630 10th Street East, Glencoe, Minnesota 55336.					
Minnesota	City of Greenfield, Hennepin County.	Crow River	About 6.0 miles downstream of Soo Line Railroad.	None	**899
			About 0.45 mile downstream of confluence with North and South Fork Crow Rivers.	*918	*914
		South Fork Crow River	Just upstream of confluence with Crow River	*918	*914
			About 2.06 miles upstream of confluence with Crow River and North Fork Crow River.	*919	*915
Maps available for inspection at the City of Greenfield, City Clerk's Office, 6390 Town Hall Drive, Loretta, Minnesota. Send comments to The Honorable Willard Sipe, Mayor, Town Hall Drive, Loretta, Minnesota 55357.					
Minnesota	City of Hutchinson, McLeod County.	South Fork Crow River	About 3,650 feet downstream of State Highway 22.	*1,034	*1,034
			Just upstream of State Highway 22	*1,037	*1,036
			Just upstream of Burlington Northern Railroad	*1,040	*1,039
			About 3,100 feet upstream of School Road	*1,045	*1,045
Maps available for inspection at the City Engineer's Office, 37 Washington Avenue West, Hutchinson, Minnesota. Send comments to The Honorable Paul Ackland, Mayor, City of Hutchinson, 37 Washington Avenue West, Hutchinson, Minnesota 55350.					
Minnesota	City of Lester Prairie, McLeod County.	South Fork Crow River	Just upstream of County Highway 9	None	*967
			About 2,300 feet upstream of County Highway 9.	None	*968
Maps available for inspection at the City Hall, City Clerk's Office, Lester Prairie, Minnesota. Send comments to The Honorable Eric Angvall, Mayor, City of Lester Prairie, P.O. Box 66, Lester Prairie, Minnesota 55354.					
Minnesota	Unincorporated Areas of McLeod County.	South Fork Crow River	At county boundary	*966	*964
			Just downstream of County Road 63	None	*975
			About 3,700 feet downstream of State Highway 22.	None	*1,034
			About 500 feet upstream of Burlington Northern Railroad.	None	*1,039
		Buffalo Creek (near city of Glencoe).	Just upstream of U.S. Highway 212	None	*982
			About 4.37 miles upstream of State Highway 261.	None	*991
		Buffalo Creek (near city of Brownton).	About 3,200 feet upstream of County Highway 13.	*1,016	*1,011
			About 800 feet upstream of confluence of Lake Addie.	*1,018	*1,014
Maps available for inspection at the County Zoning Office, McLeod County Courthouse, 830 11th Street East, Glencoe, Minnesota. Send comments to The Honorable Grant Knutson, Chairman, McLeod County Board, McLeod County Courthouse, 830 11th Street East, Glencoe, Minnesota 55336.					
Minnesota	City of Rockford, Hennepin and Wright Counties.	Crow River	About 4,000 feet downstream of Bridge Street	*913	*910
			About 4,150 feet upstream of Soo Line Railroad.	*917	*913
Maps available for inspection at the City Clerk's Office, 6031 Main Street, Rockford, Minnesota. Send comments to The Honorable Douglas White, Mayor, City of Rockford, 6031 Main Street, Rockford, Minnesota 55373.					
Minnesota	City of Watertown, Carver County.	South Fork River	About 0.78 mile downstream of footbridge	*935	*933
			About 1.25 miles upstream of Chicago and Northwestern railroad.	*941	*937
		Mapes Creek	About 2,500 feet downstream of County Highway 10.	*935	*933
			About 1,500 feet upstream of State Highway 25.	None	*934
Maps available for inspection at the City Hall, Office of City Planner, 309 Jefferson Avenue, S.W., Watertown, Minnesota. Send comments to The Honorable Norman Bauer, Mayor, City of Watertown, 309 Jefferson Avenue, S.W., P.O. Box 278, Watertown, Minnesota 55388.					
Minnesota	Unincorporated Areas of Wright County.	Buffalo Lake	Entire shoreline	None	*922

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		North Fork Crow River	Just upstream of confluence with Crow River	*918	*914
			Just upstream of Old State Highway 8	*940	*940
		South Fork Crow River	Just upstream of confluence with Crow River	*914	*914
			At confluence of Mapes Creek in Carver County.	None	*933

Maps available for inspection at the County Planning and Zoning Office, Courthouse Annex, Buffalo, Minnesota.

Send comments to The Honorable Michelle Bogenrief, Chairman, Wright County Board, Wright County Courthouse, Buffalo, Minnesota 55313.

Mississippi	Unincorporated Areas of Hinds County.	Pearl River	At county boundary	None	*251
			About 7.71 miles upstream of Old Byram Road	*267	*267
		Rhodes Creek	At confluence with the Pearl River	None	*256
			Just downstream of Seven Springs Road	None	*390
		Trahon Creek Tributary 1	At confluence with Trahon Creek	*264	*265
			Just upstream of Terry Road	*265	*265
		Straight Fence Creek	Just upstream of Williamson Road	None	*243
			Just downstream of Pinehaven Drive	None	*288

Maps available for inspection at the Hinds County Permit and Zoning Office, Jackson, Mississippi.

Send comments to The Honorable Robert Miller, President, Hinds County Board of Supervisors, P.O. Box 686, Jackson, Mississippi 39205.

Montana	Flathead County, Unicorporated Areas.	Ashley Creek	Approximately 1,500 feet upstream of Cemetery Road.	None	*2,919
			Approximately 100 feet downstream of Airport Road.	*2,922	*2,921
			Approximately 150 feet upstream of Airport Road.	*2,923	*2,922
			Approximately 500 feet upstream of Airport Road.	*2,923	*2,922
			Approximately 1,500 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 3,000 feet upstream of Begg Park Drive.	None	*2,924
			At the footbridge approximately 1,000 feet downstream of Sunnyside Drive.	None	*2,925
			Approximately 200 feet upstream of Sunnyside Drive.	None	*2,927
			Approximately 3,000 feet downstream of Foys Lake Road.	None	*2,928
			Approximately 1,100 feet downstream of Foys Lake Road.	*2,930	*2,929
			Approximately 50 feet downstream of Foys Lake Road.	*2,933	*2,933

Maps are available for review at the Flathead County Regional Development Office, Court House East, 723 Fifth Avenue East, Kalispell, Montana.

Send comments to The Honorable Mary E. Adkins, Chairperson, Flathead County Board of Commissioners, 800 South Main, Kalispell, Montana 59901.

Montana	City of Kalispell, Flathead County.	Ashley Creek	Approximately 1,850 feet downstream of Airport Road.	None	*2,921
			Approximately 100 feet downstream of Airport Road.	*2,922	*2,921
			Approximately 200 feet upstream of Airport Road.	*2,923	*2,922
			Approximately 50 feet downstream of Begg Park Drive.	*2,923	*2,922
			Approximately 50 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 1,150 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 2,500 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 250 feet northeast of the intersection of Fifth Avenue West and Sunnyside Drive.	None	*2,925
			Approximately 250 feet southeast of the intersection of Fifth Avenue West and Sunnyside Drive.	None	*2,925
			Approximately 1,500 feet downstream of Sunnyside Drive.	None	*2,925
			Approximately 5,000 feet downstream of Foys Lake Road.	None	*2,928
			Approximately 850 feet downstream of Foys Lake Road.	*2,930	*2,930

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the City of Kalispell, Building Department, 248 Third Avenue East, Kallspell, Montana. Send comments to The Honorable Douglas D. Rauthe, Mayor, City of Kalispell, P.O. 1997, Kalispell, Montana 59903–1997.					
New Jersey	Hopewell, Township, Cumberland County.	Cohansey River	At Perry Blew Road extended	None	*9
			At upstream corporate limits (located approximately 0.5 mile northeast of intersection of Gilmore Road & Dutch Neck Road).	None	*9
Maps available for inspection at the Hopewell Township Building, 590 Shiloh Pike, Bridgeton, New Jersey. Send comments to The Honorable Leroy Brooks, Mayor of the Township of Hopewell, Cumberland County, 590 Shiloh Pike, Bridgeton, New Jersey 08302.					
New Mexico	Sunland Park, City, Doña Ana County.	Unnamed Pond	Area located between State Route 273 and the Rio Grande River (in the Anapra subdivision).	None	*3,730
Maps available for inspection at the County Courthouse, 180 West Amador, Las Cruces, New Mexico. Send comments to Ms. Sandra Peticolas, Doña Ana County Manager, 180 West Amador, Las Cruces, New Mexico 88001.					
New York	Big Flats, town, Chemung County.	Owen Hollow Creek diversion Channel.	Approximately 1,450 feet upstream of confluence with Gardner Creek.	*894	*893
			Approximately 1,950 feet upstream of State Route 17.	*905	*904
		Owen Hollow Creek	Confluence with Gardner Creek	*899	*898
			Approximately 1,550 feet downstream of Chestnut Street.	*922	*921
		Gardner Creek	Approximately 1,650 feet upstream of confluence with Chemung River.	*891	*892
			At State Route 17	*897	*898
Maps available for inspection at the Office of the Building Inspector, Town Hall, 476 Maple Street, Big Flats, New York. Send comments to Mr. J. Clifford Schafer, Supervisor of the Town of Big flats, Chemung County, Town Hall, 476 Maple Street, P.O. Box 449, Big Flats, New York 14814.					
New York	Hurley, Town, Ulster County.	Englishmans Creek	Approximately 0.5 mile downstream of County Route 29A.	None	*165
			At the confluence of Tributaries 7 & 2	None	*202
		Tributary 2	At the confluence with Englishmans Creek	None	*202
			Approximately 0.4 mile upstream of confluence of Tributary 2A.	None	*618
		Tributary 3	At the confluence with Englishmans Creek	None	*194
			Approximately 0.6 mile upstream of confluence with Englishmans Creek.	None	*356
		Tributary 6	At the confluence with Englishmans Creek	None	*173
			Approximately 1.7 miles upstream of confluence with Englishmans Creek.	None	*667
		Tributary 2A	At the confluence with Tributary 2	None	*549
			Approximately 1,710 feet upstream of confluence with Tributary 2.	None	*604
		Tributary 7	At the confluence with Englishmans Creek	None	*202
			Approximately 1.2 miles upstream of the confluence with Englishmans Creek.	None	*631
		Preymaker Brook	At the confluence with Englishmans Creek	None	*165
			Approximately 200 feet upstream of State Route 28A.	None	*423
		Tributary 8	At the confluence with Preymaker Brook	None	*255
			Approximately 1.6 miles upstream of confluence with Preymaker Brook.	None	*556
		Stony Creek	At the downstream corporate limits	None	*494
			Approximately 0.6 mile upstream of the confluence with Tributary 10.	None	*562
		Tributary 10	At the confluence with Stony Creek	None	*553
			Approximately 1.2 miles upstream of confluence with Stony Creek.	None	*638
		Tributary 11	Approximately 1.3 miles down stream of County Route 8A.	None	*592
			Approximately 0.3 mile upstream of County Route 8A.	None	*656
Maps available for inspection at the Hurley Town Hall, 637 Lucas Avenue, Hurley, New York. Send comments to Mr. Alfred DiCaprio, Supervisor of the Town of Hurley, Ulster County, P.O. Box 569, Hurley, New York 12443.					
New York	Manlius, Town Onondaga County	Limestone Creek	Approximately .5 mile upstream of State Route 115.	*398	*399
			Just downstream of State Route 53	*403	*404
		Butternut Creek	At confluence with Limestone Creek	*399	*400
			Approximately 250 feet downstream of Meyers Road.	*399	*400

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Chittenango Creek	Approximately 100 feet downstream of downstream corporate limits.	None	*392
			At downstream corporate limits	None	*392
Maps available for inspection at the Planning and Zoning Department, Town Hall of Manlius, 301 Brooklea Drive, Fayetteville, New York					
Send comments to Mr. Richard Lowenberg, Supervisor of the Town of Manlius, Onondaga County, 301 Brooklea Drive, Fayetteville, New York 13066.					
North Carolina	City of Graham, Alamance County.	Big Alamance Creek	About 3,650 feet downstream of State Highway 87.	*484	*485
			Just upstream of State Highway 2,309	*495	*495
Maps available for inspection at the City Hall, Planning Department, 201 South Main Street, Graham, North Carolina.					
Send comments to The Honorable Troy Woodard, Mayor, City of Graham, 201 South Main Street, Graham, North Carolina 27253.					
North Carolina	City of Roanoke Rapids, Halifax County.	Roanoke River	About 1,800 feet downstream of Interstate 95	*57	*58
			Just downstream of dam	*64	*67
Maps available for inspection at the City of Roanoke Rapids Planning Department, Roanoke Rapids, North Carolina.					
Send comments to The Honorable Lloyd Andrews, Mayor, City of Roanoke Rapids, P.O. Box 38, Roanoke Rapids, North Carolina 27870.					
North Carolina	Unincorporated Areas of Wilkes County.	Yadkin River	About 2,000 feet upstream of State Road 115	*961	*961
			About 1.05 miles upstream of Wilkesboro Boulevard.	*964	*966
			About 950 feet upstream of State Road 1143	*983	*979
Maps available for inspection at the County Administrative Building, County Planners Office, Wilkesboro, North Carolina.					
Send comments to The Honorable Cecil Wood, County Manager, 110 North Street, Wilkesboro, North Carolina 28697.					
Oklahoma	Bartlesville (City) (Osage and Washington Counties).	Rice Creek	Approximately 0.6 mile upstream of U.S. Highway 75 (Washington Boulevard).	*707	*708
			Approximately 0.7 mile upstream of Madison Boulevard.	*752	*753
Maps available for inspection at the City Administration Building, 6th and Dewey, Bartlesville, Oklahoma.					
Send comments to Mr. Robert E. Metzinger, Manager of the City of Bartlesville, Osage and Washington Counties, P.O. Box 699, Bartlesville, Oklahoma 74005.					
Oklahoma	Oklahoma City, City	West Branch Harrison Creek Tributary 2.	Approximately 1,650 feet upstream of Tall Trees Way.	None	*1,103
	Canadian, Cleveland, Oklahoma, McClain, and Pottawatomie Counties.		Approximately 275 feet downstream of Two Bridge Drive.	*1,090	*1,089
Maps available for inspection at the City Hall, 200 North Walker, Oklahoma City, Oklahoma.					
Send comments to The Honorable Ronald J. Norick, Mayor of the City of Oklahoma City, Canadian, Cleveland, Oklahoma, McClain, and Pottawatomie Counties, 200 North Walker, Oklahoma City, Oklahoma 73102.					
Oklahoma	Washington County (Unincorporated Areas).	Rice Creek	Approximately 0.6 mile upstream of U.S. Route 75.	*706	*707
			Approximately 50 feet downstream of the most upstream corporate limits.	*744	*745
Maps available for inspection at the Washington County Courthouse, 420 South Johnstone, Room 108, Bartlesville, Oklahoma.					
Send comments to Ms. Joanne Bennett, Chairwoman of the Washington County, Board of Commissioners, 205 E. Bulldogger Road, Dewey, Oklahoma 74029.					
Pennsylvania	Greene, Township, Franklin County.	Conococheague Creek	At the upstream side of Mount Pleasant Road (L.R. 28019).	*772	*774
			Approximately 150 feet downstream of Black Gap Road (State Route 997).	*835	*834
Maps available for inspection at the Township Building, 1145 Garver Lane, Scotland, Pennsylvania.					
Send comments to Mr. Richard P. Kramer, Chairman of the Township of Greene Board of Supervisors, Franklin County, P.O. Box 215, Scotland, Pennsylvania 17254.					
Pennsylvania	Monroe, Borough, Bradford County.	Towanda Creek	Approximately .60 mile downstream of U.S. Route 220 (Bridge Street).	*749	*753
			Approximately 1,225 feet upstream of the upstream corporate limits.	None	*787
Maps available for inspection at the Borough Hall, Church Street, Monroeton, Pennsylvania.					
Send comments to Mr. William S. Shaw, President of the Borough of Monroe Council, Bradford County, P.O. Box 193, Monroeton, Pennsylvania 18832.					
South Carolina	Mauldin (City) Greenville County.	Gilder Creek Tributary No. 3A	Approximately 1,400 feet upstream of Corn Road.	None	*838
			Approximately 200 feet upstream of Interstate Route 385 (northbound).	None	*890
		Gilder Creek	Approximately 200 feet downstream of Interstate Route 385.	None	*805

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 800 feet upstream of Interstate Route 385.	None	*810
			From a point approximately 200 feet upstream of the confluence of Gilder Creek Tributary No. 2.	None	*820
			To a point approximately 900 feet dlownstream of Old Mill Road.	None	*824
		Gilder Creek Tributary No. 3	At the confluence with Gilder Creek	None	*820
			To a point approximately 300 feet downstream of the confluence with Gilder Creek Tributary 3A.	None	*828
Maps available for inspection at the City of Mauldin Town Hall, 5 East Butler Street, Mauldin, South Carolina.					
Send comments to The Honorable Patricia Carlson, City Administrator, City of Mauldin, Greenville County, P.O. Box 249, Mauldin, South Carolina 29662.					
Tennessee	City of Lenoir City, Loudon County.	Tennessee River	About 1.1 miles downstream of confluence of Town Creek.	None	*759
			Just downstream of Fort Loudon Dam	None	*760
			About 0.6 mile upstream of Fort Loudon Dam	None	*815
		Muddy Creek	At mouth	None	*760
			About 0.5 mile upstream of U.S. Route 95	None	*760
		Town Creek	At mouth	*760	*759
			Just downstream of McGhee Boulevard	*776	*777
			Just upstream of McGhee Boulevard	*778	*782
			About 800 feet upstream of Shaw Ferry Road	None	*864
Maps available for inspection at the City Hall, 600 East Broadway, Lenoir City, Tennessee.					
Send comments to The Honorable Don Lane, Mayor, City of Lenoir City, 600 East Broadway, Lenoir City, Tennessee 37771.					
Tennessee	Unincorporated Areas of Loudon County.	Tennessee River	At county boundary	*748	*749
			Just downstream of Fort Loudon Dam	*761	*760
			Just upstream of Fort Loudon Dam	*815	*815
		Muddy Creek	At mouth	*761	*760
			About 3,000 feet downstream of Lakeview Road.	*761	*761
		Sweetwater Creek	At mouth	*751	*750
			About 420 feet upstream of River Road	*751	*751
		Little Tennessee River	At mouth	*760	*759
			Just downstream of Fort Loudon Dam	*760	*759
			Just upstream of Fort Loudon Dam	*815	*815
Maps available for inspection at the County Courthouse, Loudon, Tennessee.					
Send comments to The Honorable George Miller, County Executive, Loudon County, P.O. Box 246, Loudon, Tennessee 37774.					
Tennessee	Town of White Pine, Jefferson County.	Leadvale Creek	Just downstream of South Walnut Street	None	*1,084
			Just downstream of Main Street	None	*1,131
		Leadvale Creek Tributary	At mouth	None	*1,112
			About 480 feet upstream of Sheila Street	None	*1,112
Maps available for inspection at the Town Hall, 1824 Maple Street, White Pine, Tennessee.					
Send comments to The Honorable Stanley Wilder, Mayor, Town of White Pine, 1824 Maple Street, P.O. Box 66, White Pine, Tennessee 37890.					
Texas	Bartonville (Town) Denton County.	Whites Branch	At downstream corporate limits	None	*607
			At upstream corporate limits	None	*637
		Stream WB-1	At downstream corporate limits	None	*614
			3,250' upstream of Jetter Road	None	*666
Maps available for inspection at the Town Hall, 1941 East Jeter Road, Bartonville, Texas 76226.					
Send comments to The Honorable Tom Ott, Mayor of the City of Bartonville, Denton County, 1941 East Jeter Road, Bartonville, Texas 76226.					
Texas	Palo Pinto County, Unincorporated Areas.	Brazos River	At downstream county boundary	None	*768
			Approximately 2.7 miles upstream of downstream county boundary.	None	*773
Maps available for inspection at the Public Works Department, across from Courthouse, Palo Pinto, Texas.					
Send comments to The Honorable Harold Couch, Palo Pinto County Judge, P.O. Box 190, Palo Pinto, Texas 76072.					
U.S. Virgin Islands	Island of St. Thomas	Turpentine Run	At confluence with Mangrove Lagoon	*6	*6
			Approximately 0.6 mile upstream of Bovoni Road (State Route 30).	None	*37

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Department of Planning and Natural Resources, Nisky Center, Suite 231, #45A Estate Nisky, St. Thomas, Virgin Islands. Send comments to The Honorable Alexander Farrelly, Governor of the U.S. Virgin Islands, Office of the Governor, Government Office, Konges Gade 21-22, St. Thomas, Virgin Islands 00802.					
Virginia	Broadway, Town, Rockingham County.	Linville Creek	Approximately 500 feet downstream of the Lee Street Bridge.	*1,033	*1,034
			At State Route 1415	*1,051	*1,048
Maps available for inspection at the Town Hall, 116 Broadway Avenue, Broadway, Virginia. Send comments to Mr. Charles L. Lohr, Broadway Town Manager, Rockingham County, P.O. Box 156, Broadway, Virginia 22815.					
Virginia	Chesterfield County (Unincorporated Areas).	Redwater Creek	At CSX Transportation rail spur	*50	*49
			Approximately 775' downstream of Osborne Road.	*58	*59
Maps available for inspection at the Chesterfield County Environmental Engineering Department. Send comments to Mr. Maurice B. Sullivan, Chairman of the Chesterfield County Board of Supervisors, P.O. Box 40, Chesterfield, Virginia 23832.					
Virginia	Elkton (Town) Rockingham County.	Elk Run	Approximately 680' downstream of Fifth Street	*957	*956
			Approximately 0.5 mile upstream of U.S. Route 340.	*1,003	*1,002
		South Fork Shenandoah River	Approximately 100' downstream of U.S. Route 33.	None	*952
			Approximately 100' upstream of corporate limits.	None	*961
Maps available for inspection at the Town Hall, 173 West Spotswood Avenue, Elkton, Virginia. Send comments to The Honorable Charles E. Dean, Mayor of the Town of Elkton, Rockingham County, 115 North Stuart Avenue, Elkton, Virginia 22827.					
Virginia	Rockingham County (Unincorporated Areas).	Elk Run	Approximately 200 feet upstream of Stuart Avenue.	*980	*981
			At the confluence of Wolf Run	*1,095	*1,094
		Linville Creek	Approximately 500 feet downstream of State Route 1415.	*1,049	*1,048
			Approximately 95 feet upstream of State Route 1415.	*1,052	*1,051
		West Swift Run	At confluence with Elk Run	*1,069	*1,068
			Approximately 70 feet upstream of confluence with Elk Run.	*1,069	*1,068
		Wolf Run	At confluence with Elk Run	*1,093	*1,094
			Approximately 15 feet upstream of confluence with Elk Run.	*1,093	*1,094
Maps available for inspection at the Rockingham County Administration Building, P.O. Box 1252, Harrisonburg, Virginia. Send comments to Mr William G. O'Brien, Rockingham County Chief Executive, Rockingham County Administration Building, P.O. Box 1252, Harrisonburg, Virginia 22801.					
Washington	City of Lynnwood, Snohomish County.	Scriber Creek	Just upstream of 44th Avenue West	None	*326
			Just upstream of Interstate 5	None	*333
			Approximately 50 feet downstream of 196th Street Southwest.	None	*336
			Approximately 1,000 feet upstream of 196th Street Southwest.	None	*343
Maps are available for review at the Public Works Department, 19100 44th Avenue West, Lynnwood, Washington. Send comments to The Honorable M. J. Hrdlicka, Mayor, City of Lynnwood, 19100 44th Avenue West, Lynnwood, Washington 98046-5008.					
West Virginia	Lewis County, Unincorporated Areas.	West Fork River	Approximately 1.5 miles downstream of Lightburn Road.	None	*996
			Approximately .9 mile upstream of U.S. Route 79.	None	*1,021
		Polk Creek	Approximately 330 feet upstream of U.S. Routes 33 & 19.	None	*1,018
			Approximately 1,000 feet upstream of Kuntz Avenue.	None	*1,022
Maps available for inspection at the Lewis County Courthouse, Weston, West Virginia. Send comments to Mr. Richard L. Bonnett, President of the Lewis County Commission, P.O. Box 510, Weston, West Virginia 26454.					
West Virginia	Ohio County (Unicorporated Areas).	Wheeling Creek	Downstream City of Wheeling corporate	*693	*684
			Upstream City of Wheeling corporate limits	*699	*691
		Little Wheeling Creek	Downstream at the City of Wheeling corporate limits.	*None	*702
			Upstream at the Town of Triadelphia corporate limits.	*None	*708

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATION—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Middle Wheeling Creek	Downstream at the Town of Triadelphia corporate limits.	*None	*713
			Approximately 600'	*None	*758
Maps available for inspection at the County Courthouse, 1500 Chapline Street, Wheeling, West Virginia.					
Send comments to Mr. Samuel Anthony, President of the Ohio County Commission, 1500 Chapline Street, Wheeling, West Virgin 26003.					
West Virginia	Wheeling, City, Ohio and Marshall Counties.	Wheeling Creek	Approximately 2.0 miles upstream of confluence with Ohio River.	*660	*659
		Little Wheeling Creek	Confluence with Wheeling Creek	*685	*678
			Approximately 530 feet upstream of Shilling Street.	*691	*690
Maps available for inspection at the Department of Development Services, 1500 Chaplin Street, Wheeling, West Virginia.					
Send comments to The Honorable Tom Ballerd, Mayor of the City of Wheeling, Ohio and Marshall Counties, 1500 Chaplin Street, Wheeling, West Virginia 26003.					
West Virginia	Weston, City, Lewis County.	West Fork River	Approximately 0.70 mile downstream of CSX Transportation.	*1,016	*1,012
			Approximately 600 feet upstream of Coxtown Footbridge.	*1,022	*1,016
		Polk Creek	At confluence with West Fork River	*1,017	*1,013
			Approximately 500 feet downstream of Kuntz Avenue.	*1,020	*1,019
		Stone Coal Creek	At confluence with West Fork River	*1,018	*1,014
			Approximately 920 feet upstream of CSX Transportation.	*1,019	*1,014
Maps available for inspection at the City Building, 102 west Second Street, Weston, West Virginia.					
Send comments to The Honorable John M. Rohrbough, Mayor of the City of Weston, Lewis County, 102 West Second Street, Weston, West Virginia 26452.					
Wisconsin	City of Evansville, Rock County.	Allen Creek	About 0.86 mile downstream of Chicago and Northwestern Railroad.	*881	*880
			Just upstream of East Main Street	*990	*897
			Just downstream of Lake Leota Dam	*903	*902
			Just upstream of Lake Leota Dam	*909	*909
Maps available for inspection at the City Hall, 31 South Madison Street, Evansville, Wisconsin.					
Send comments to The Honorable Christopher A. Eager, Mayor, City of Evansville, City Hall, 31 South Madison Street, Evansville, Wisconsin 53536.					
Wisconsin	Unincorporated Areas of Sheboygan County.	Sheboygan River	About 700 feet downstream of Chicago and North Western railroad.	*589	*588
			Just downstream of Johnsonville Dam	*771	*764
			Just upstream of Johnsonville Dam	*777	*770
			At upstream county boundary	*847	*845
		North Branch Milwaukee River.	At downstream county boundary	*808	*807
			Just downstream of Gooseville Dam	*821	*817
		Batavia Creek	At mouth	*813	*812
			About 950 feet downstream of County Highway SS.	*815	*815
			At mouth	*809	*808
		Silver Creek	About 2,050 feet downstream of Camp Awana Road.	*809	*809
		Mullet River	At mouth	*677	*675
			About 3,600 feet upstream of County Highway PP.	*677	*677
Maps available for inspection at the Planning Department, 615 North 6th Street, Sheboygan, Wisconsin.					
Send comments to The Honorable Mark J. Leider, Planning Director, Sheboygan County, 615 North 6th Street, Sheboygan, Wisconsin 53081.					

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-1407 Filed 1-23-92; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-4, RM-7880]

Radio Broadcasting Services; Greenacres, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Double D Broadcasting Company, licensee of Station KRAB(FM), Channel 292A, Greenacres, California, seeking the substitution of Channel 291B1 for Channel 292A and modification of its license accordingly to specify operation on the higher powered channel. Petitioner's modification proposal complies with the provisions of § 1.420(g) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of

Channel 291B1 at Greenacres or require the petitioner to demonstrate the availability of an additional equivalent class channel. Coordinates for proposed Channel 291B1 at Greenacres are 35–29–02 and 118–44–12.

DATES: Comments must be filed on or before March 9, 1992, and reply comments on or before March 24, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Howard M. Liberman and Peter H. Doyle, Esqs., Arter & Hadden, 1801 K Street, NW., suite 400K, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–4, adopted January 8, 1992, and released January 21, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st St., NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. see 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–1819 Filed 1–23–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 92–3, RM–7874]

Radio Broadcasting Services; Prineville, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Danjon, Inc., seeking the allotment of Channel 284A to Prineville, Oregon, as the community's first local FM service. Channel 284A can be allotted to Prineville in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.3 kilometers (7.6 miles) southeast to avoid short-spacings to Stations KMCQ, Channel 238C, The Dalles, Oregon, and KLCX, Channel 284C, Florence, Oregon, at coordinates North Latitude 44–15–20 and West Longitude 120–42–26.

DATES: Comments must be filed on or before March 9, 1992, and reply comments on or before March 24, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Sheldon M. Binstock, Esq., 1140 Connecticut Avenue, NW., suite 703, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No 92–3, adopted January 8, 1992, and released January 21, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–1818 Filed 1–23–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 92–5, RM–7878]

Radio Broadcasting Services; Oak Creek, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of KFMU, L.P, licensee of Station KFMU(FM), Channel 280A, Oak Creek, Colorado, seeking the substitution of Channel 281C3 for Channel 280A and modification of its license accordingly to specify operation on the higher powered channel. Petitioner's modification proposal complies with the provisions of § 1.420(g) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel 281C3 at Oak Creek or require the petitioner to demonstrate the availability of an additional equivalent class channel. Coordinates for Channel 281C3 at Oak Creek are 40–15–20 and 106–57–21.

DATES: Comments must be filed on or before March 9, 1992, and reply comments on or before March 24, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William D. Freedman, Esq., Gurman, Kurtis, Blask & Freedman, 1400—16th Street, NW., suite 500, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No 92–5, adopted January 8, 1992, and released January 21, 1992. The full text of this Commission decision is available

for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st St., NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–1817 Filed 1–23–92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 390 and 392

[FHWA Docket No. MC–90–14]

RIN 2125–AC69

Radar Detectors in Commercial Motor Vehicles

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments

SUMMARY: The FHWA proposes to ban radar detectors from all commercial motor vehicles (CMVs) as defined in the Federal Motor Carrier Safety Regulations in 49 CFR part 390. This proposal fulfills the Congressional mandate in section 342 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Pub. L. 102–143) and responds to a petition filed jointly on July 18, 1990, by the Insurance Institute for Highway Safety and seven other organizations.

DATES: Comments must be received on or before May 26, 1992.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC–90–14, Room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. All answers to questions should refer to the appropriate question number and all comments on specific provisions should refer to the appropriate section and paragraph number. Commenters may, in addition to submitting "hard copies" of their comments, submit a floppy disk in standard or high density formats containing data compatible with either WordPerfect or WordStar for IBM systems; or with Microsoft Word or WordPerfect for Apple Macintosh systems. Commenters should clearly label submitted disk with the software format used (e.g., WordPerfect 5.0 [IBM] or Microsoft Word 4.0 [Mac]). All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: The FHWA has established a special telephone number to receive inquiries regarding this NPRM. the number is 202–366–6816. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Background

This rulemaking responds to Public Law 102–143 (signed October 28, 1991) which states at section 342:

> The Secretary of Transportation shall publish by January 15, 1992, a notice of proposed rulemaking with regard to amending the Federal Motor Carrier Safety Regulations to prohibit the use of radar detectors in operating commercial motor vehicles. Such notice shall solicit testimony regarding the safety, economic, and operational aspects of prohibiting radar detectors in commercial operations.

This NPRM also responds to a July 18, 1990, petition jointly filed by the following organizations:

(1) Advocates for Highway and Auto Safety,

(2) American Automobile Association,

(3) American Trucking Associations,

(4) Insurance Institute for Highway Safety,

(5) International Association of Chiefs of Police,

(6) National Association of Governors' Highway Safety Representatives,

(7) National Safety Council, and

(8) Public Citizen.

The petition, reproduced as an appendix to the preamble, claims that radar detector use correlates with speeding; that drivers of tractor/semitrailers use radar detectors more frequently than drivers of any other vehicle types; and that tractor/semitrailers with radar detectors are two to three times more prone to be speeding than those without. The petitioners assert that the principal use of radar detectors is to evade law enforcement and, because technology now exists for enforcement officials to detect radar detectors, request a ban on radar detectors in commercial motor vehicles regulated by the FHWA. Supporting information accompanied the petition and is available for public inspection in the docket at the above address.

In acting on the Congressional mandate, the FHWA acknowledges that traffic engineering experts, various sectors of the transportation industry, enforcement authorities, other organizations, drivers of CMVs and automobiles, and the general public hold widely divergent views on the rationale for, and efficacy of, banning radar detectors from CMVs. Moreover, the FHWA recognizes that scientific proof establishing a direct causative linkage between radar detector use and CMV accidents may not exist. The draft regulatory evaluation for this proposal, which is contained in the public docket, summarizes data on the relationships between radar detector use and speeding, and between speeding and accidents. The FHWA encourages comments to provide additional statistical data on the safety issues posed by radar detector usage in CMVs.

Pursuant to the directive of the Congress, the FHWA invites commenters specifically to address the safety, economic, and operational aspects of prohibiting radar detectors in CMVs.

Commenters are also requested to specify, at or near the beginning of their docket responses, whether they: Support the proposed ban on radar detectors in CMVs without reservation; support the proposed ban, but with minor changes (please specify the changes); oppose the proposed ban unless major changes are made (please specify the changes); or oppose the proposed ban unequivocally.

Section-by-Section Analysis

Applicability. This NPRM would change portions of 49 CFR parts 390 and 392 to directly affect drivers of CMVs as defined in part 390, which generally include vehicles used in interstate commerce to transport passengers or property when the vehicle—

(1) Has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

(2) Is designed to transport 16 or more passengers, including the driver; or

(3) Is required to be placarded for hazardous materials.

However, vehicles that meet the above definitions and are used exclusively in intrastate commerce also may be indirectly affected. Under the Motor Carrier Safety Assistance Program (MCSAP), most States adopt the Federal Motor Carrier Safety Regulations and enforce the requirements with respect to both interstate and intrastate drivers and carriers. Section 390.5 would define "radar detector" as any device that detects radio microwaves used by enforcement officials to measure vehicular speeds on highways for enforcement purposes.

The definition would specifically exclude detectors that are:

(1) Transported outside the driver's compartment of the vehicle; and

(2) Completely inaccessible to, inoperable by, and imperceptible to the driver.

Under number (1) above, since the driver and passenger areas of a bus constitute a single compartment, the NPRM notes that the "driver's compartment" of a passenger-carrying CMV includes all space designed to accommodate the driver and passengers alike.

If both of the above conditions are met, a radar detection device would be excluded from the definition of "radar detectors" and its transportation in a CMV would be permitted.

Question (1): Should the definition of "radar detector" be expanded to anticipate and include devices that may allow drivers to detect advanced speed limit enforcement technology such as laser beams?

Question (2): (a) How widespread are permanently or semipermanently installed radar detectors in CMVs nationwide? (b) What would be the impacts of dealing with such installed devices as vehicle appurtenances under Parts 393 and/or 396? (c) Should discovery of such a device on inspection be grounds for a vehicle out-of-service order under § 396.9? (d) If not, what should the consequences of discovery of such a device be?

A new § 392.71 would be added to part 392, "driving of motor vehicles." It would prohibit drivers from using a radar detector in a CMV and from operating a CMV that contains or is equipped with a radar detector. Motor carriers would be responsible to assure compliance with this prohibition. Individuals who violate the provisions of part 392 may be subject to penalties under 49 U.S.C. 521.

Question (3): How would State enforcement programs and procedures be affected by the adoption of the proposal?

Key Issues

In addition to the specific provisions of this proposal, respondents are invited to provide comments regarding the following issues:

Issue: Legitimate uses of radar detectors. The FHWA does not now possess data which would convincingly demonstrate that radar detectors have purposes other than to enable drivers to evade enforcement of lawful speed limits.

Question (4): What evidence exists for any legitimate use of radar detectors?

Issue: Effectiveness of radar detector bans. A study by one of the petitioners suggests that Virginia, in which use of radar detectors is illegal, may have a higher incidence of radar detector use than Maryland, where it is legal.

Question (5): What statistical or other evidence exists, either in the United States, Canada, or elsewhere, to show that: (a) radar detector bans actually reduce detector use and (b) reduced use of radar detectors will reduce speeding, accidents, injuries, and/or fatalities?

Issue: Radar detector detection technology. The petitioners believe that enforcement of a radar detector ban would depend on cost-effective, accurate technology to detect radar detectors. The petitioners' reports suggest that only one such device is currently available, the "VG–2."

Question (6): (a) Do enforcement agencies in the United States and Canada have recent field experience with the VG–2 or comparable device? (b) What is the accuracy of such devices under field conditions? (c) What is known of their availability.

Question (7): (a) What are the capital, operating, and maintenance costs of the VG–2 or comparable devices? (b) Do enforcement agencies currently regard them as cost-effective? (c) If so, what evidence is available to support such an opinion?

Question (8): (a) What other devices for radar detector detection are available? (b) What accuracy, cost, and availability data pertain to them?

Question (9): Would a counter-device to detect the VG–2 or similar radar detector detectors be technically feasible at a reasonable cost and available immediately to drivers?

Question (10): What constitutional or other legal problems do States and other respondents foresee with a CMV ban on radar detectors, enforced by technology accomplishing the same purpose as the VG–2?

Rulemaking Analyses and Notices

Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this document does not contain a major rule under Executive Order 12291. It is considered to be a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the anticipated substantial public interest and controversy involving the use of radar detectors. A draft regulatory evaluation addressing regulatory impacts has been prepared and is available for review in the public docket.

Regulatory Flexibility Act

Based on information available to the FHWA at this time and under the criteria of the Regulatory Flexibility Act (Pub. L. 96–354), this action will not have a significant economic impact on a substantial number of small entities. However, due to the preliminary nature of this determination, all affected interests, including small entities, are encouraged to comment on the potential economic impacts this NPRM would generate.

Executive Order 12612 (Federalism Assessment)

The proposed rule would limit the policymaking discretion of the States. The FHWA has reviewed the proposed ban on radar detectors in light of the purposes of the underlying legislation and the Executive Order on Federalism (Executive Order 12612, October 26, 1987), which requires Executive departments and agencies to be guided by certain fundamental federalism principles while formulating and implementing policies. These policies have been taken fully into account in the development of this proposed regulation.

In 1988, FHWA received a similar petition from five of the organizations that signed the 1990 petition. On November 8, 1988, the FHWA denied that petition on the grounds that a Federal ban on radar detectors would violate the principles of federalism because the problem "is common to the States and not truly national in scope." The FWHA continues to believe that the enforcement of speed limit laws on the highways is a problem which is, in general, common to the States and not truly national in scope.

However, authority for the proposed ban on radar detector use and possession under 49 CFR part 392 is inherent in the broad, long-standing powers conferred on the Secretary to regulate the safety on interstate motor carriers of passengers and property under Title 49 of the United States Code. In particular, the Motor Carrier Safety Act of 1984 (1984 Act) (Pub. L. 98–554, 98 Stat. 2832) provides ample authority for this proposed rulemaking. In addition, Public Law 102–143 specifically directs the Department of Transportation to issue this proposal. The Senate Committee report on Public Law 102–143 stated that, "while the general prohibition of radar detectors is properly left to the States, the use of radar detectors in vehicles in interstate commerce is an appropriate arena for the Federal Government to regulate." [1]

As the FHWA has noted earlier in this document, there are serious questions about the safety justification for banning radar detectors. If safety justification is established, the FHWA must also decide whether a decision to ban such equipment is more appropriate for individual States to make, and specifically seeks comment on this issue. In this regard, the FHWA notes that three States and the District of Columbia have enacted legislation prohibiting the use of radar detectors. The FHWA specifically seeks comment on the relevance of other State's inaction concerning bans on radar detectors.

Since speed limits are generally established and enforced by the States, and since any State that so wished could adopt a ban on radar detectors if deemed necessary for effective enforcement and to promote safety, is it appropriate for the Federal Government to adopt such a ban? At the same time, given the FHWA's authority in this area, if there is a clear linkage between radar detectors and accidents, is it inappropriate for the Federal Government not to ban radar detectors from CMVs?

It is certified that the policies contained in this document have been assessed in light of the principles, criteria, and requirements of the Federalism Executive Order. Because this notice is being issued in response to a statutory mandate, the FHWA has determined that this action accords fully with the Federalism Executive Order.

[1] Senate Report Number 102–148, 102d Congress, First Session, page 90 (1991).

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Parts 390 and 392

Commercial motor vehicles, Highways and roads, Motor vehicle safety, Radar detectors.

Issued on: January 17, 1992.

T.D. Larson,

Administrator.

Appendix to the Preamble

[Petition dated July 18, 1990 and sent under the letterhead of the Insurance Institute for Highway Safety, 1005 North Glebe Road, Arlington, Virginia 22201. The attachments to the petition, listed further below, are available for public inspection at the address and times contained in the "ADDRESSES" section of the Preamble.]

The Honorable Thomas D. Larson
Administrator
Federal Highway Administration
400 Seventh Street, SW.
Washington, DC 20590

Dear Mr. Larson:

The Advocates for Highway and Auto Safety, the American Automobile Association, the American Trucking Associations, the Insurance Institute for Highway Safety, the International Association of Chiefs of Police, the National Association of Governor's Highway Safety Representatives, the National Safety Council, and Public Citizen hereby petition the Federal Highway Administration (FHWA) to begin rulemaking to ban the possession and use of radar detectors by operators of commercial vehicles regulated by the agency. A ban on radar detectors is needed to improve the compliance of commercial vehicle drivers with speed limits and to reduce the number and severity of crashes.

A ban on radar detectors has also been actively sought by the nation's law enforcement community. In April 1990, the Department of Transportation held a Traffic Safety Summit in Chicago, Illinois, at which state and local law enforcement officials discussed national priorities for improving highway safety. One of the specific recommendations of the summit participants was that FHWA should ban the use of radar detectors in commercial vehicles.

This petition also represents a continuation of prior efforts by organizations concerned about highway safety to ban the use of radar detectors. In May 1988, the Insurance Institute for Highway Safety, joined by the American Automobile Association, the American Trucking Associations, the International Association of Chiefs of Police, and the National Safety Council filed a similar petition requesting FHWA to begin rulemaking to ban radar detectors (Attachment I). Since FHWA's denial of that petition, further research has demonstrated the link between radar detectors and excessive speeds. Also, a ban at this time promises to be more effective than in the past because of the availability of radar detector detectors as an enforcement tool for police departments (Attachment II).

Link Between Radar Detectors and Speed

The most recent research on the use of radar detectors and vehicle speed again confirms that drivers using radar detectors are much more likely to be traveling at excessive speed. Using a device to identify radar detector use, researchers from the Institute recently measured radar detector use and vehicle speeds in Maryland and Virginia. As described in the attached report, the researchers found that all categories of vehicles with radar detectors observed at the Maryland sites were generally at least twice as likely as those without radar detectors to be traveling at speeds more than 10 mph above the speed limit (Attachment III). Because of Virginia's 65 mph speed limit, passenger car and light truck speeds were higher than in Maryland, but the relationship between radar detector use and speed followed a similar pattern, especially among the fastest vehicles. Radar detector equipped vehicles in Virginia were three times as likely to exceed 75 mph (more than 10 mph above the speed limit) than vehicles not equipped with radar detectors. It is important that in both states tractor-trailers were most likely to use radar detectors.

A new survey just completed by the Institute in seven eastern states provides additional data on radar detector use and speeds of large trucks. The study found that at least 36 percent of the trucks observed were using radar detectors, and at least 40 percent of tractor-semitrailers were using radar detectors (Attachment IV). At least 46 percent of the trucks carrying hazardous

materials were using radar detectors. The trucks with radar detectors in use, including hazardous materials carriers, were more likely than those without to be traveling at excessive speeds.

It is also worth noting that Virginia and Connecticut—two states that ban radar detectors—were at the low end of the range of radar detector use, and these states had the fewest trucks for which radar detector use was possible but could not be determined with certainty. These data suggest that the Connecticut and Virginia bans reduce radar detector use even though enforcement has been difficult. The availability of radar detector detectors to police departments should make such bans much more effective in the future.

Federal Action Needed

In denying the May 1988 petition seeking a ban on radar detectors, FHWA said that it was the agency's view that "the enforcement of speed limit laws on the highway is a problem which is common to the states and not truly national in scope." Since that time the Department of Transportation has further recognized the importance of speed enforcement and the need for additional federal support for state efforts. Also, state officials have renewed their requests for more federal efforts to assist them in their speed enforcement programs.

Federal regulation of speed enforcement as a national issue has been acknowledged in several ways. In September 1989, Secretary of Transportation Samuel K. Skinner wrote the Governors of each state seeking their "support" and participation in a nationwide campaign to highlight speed as a highway safety issue—including the dangers of speeding, the safety basis for speed limits, the need for effective speed law enforcement, and the importance of complying with posted speed limits on all public roadways."

In its February 1990 Statement of National Transportation Policy Strategies for Action, the Department of Transportation said that safety is its top priority. The Department specifically identified the need to target additional federal support to promote effective enforcement of state speed limits as an essential part of the U.S. national transportation policy.

The seriousness of speeding as a traffic safety issue and the need for additional federal support was also highlighted at the April 1990 Traffic Law Summit convened by Secretary Skinner. In his message to the summit participants, President Bush said, "Your agencies are getting tougher on speeding, and you should. We need greater respect for speed limits and an increased awareness of the real dangers posed by speeders on highways and our city streets. Simply put, speeders kill."

Recognizing that one important impediment to effective enforcement of speed limits is the use of radar detectors, the state officials participating in the summit urged the Department to ban those devices in commercial vehicles. Specifically, they recommended that the "initial approach should be for the Federal Highway Administration (FHWA) to immediately prohibit the commercial-vehicle use of radar detectors through regulation."

Conclusion

Excessive travel speeds and the corresponding increase in traffic deaths and injuries continue to be a serious problem in the United States. Research has consistently demonstrated that use of radar detectors is linked to increased travel speeds. State law enforcement officials have called on the department to aid their enforcement efforts by banning radar detectors. For these reasons and for the reasons stated in the May 1988 petition, we urge FHWA to promptly grant this petition and to initiate rulemaking to ban the possession and use of radar detectors in commercial vehicles.

Sincerely,

[Petition signed by:]

Judith Lee Stone, Executive Director, Advocates for Highway and Auto Safety
John Archer, Managing Director, American Automobile Association
Charles A. Gruber, President, International Association of Chiefs of Police
Jane S. Roemer, Executive Director, Federal Affairs, National Safety Council
Brian O'Neill, President, Insurance Institute for Highway Safety
Thomas J. Donohue, President and CEO, American Trucking Associations
Peter O'Rourke, Chairman, National Association of Governors' Highway Safety Representatives
Joan Claybrook, President, Public Citizen

List of Attachments to the Petition [see Note at beginning of this Appendix]

Attachment I: Petition [dated May 16, 1988, under the letterhead of the Insurance Institute for Highway Safety] for rulemaking to ban radar detectors in commercial vehicles

Attachment II: "Performance under controlled conditions of the Interceptor VG–2 radar detector detector," Adrian K. Lund, *et al.*, for the Insurance Institute for Highway Safety, June 1990.

Attachment III: "Radar detector use and speeds in Maryland and Virginia," Mark Freedman, *et al.*, for the Insurance Institute for Highway Safety, May 1990.

Attachment IV: "Radar detector use in large trucks," Allan F. Williams, *et al.*, for the Insurance Institute for Highway Safety, July 1990.

In consideration of the foregoing, the FHWA hereby proposes to amend title 49, Code of Federal Regulations, chapter III, subchapter B, as set forth below.

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

1. The authority citation for 49 CFR part 390 continues to read as follows:

Authority: 49 U.S.C. app. 2503 and 2505; 49 U.S.C. 3102 and 3104; 49 CFR 1.48.

2. Section 390.5 is amended by adding one definition, placing it in alphabetical order as follows:

§ 390.5 Definitions.

* * * * *

Radar detector means any device or mechanism to detect the emission of radio microwaves which are employed by enforcement personnel to measure the speed of motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

(1) Transported outside the driver's compartment of the vehicle. For this purpose, the *driver's compartment* of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

(2) Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the vehicle.

* * * * *

PART 392—DRIVING OF MOTOR VEHICLES

3. The authority citation for 49 CFR part 392 continues to read as follows:

Authority: 49 U.S.C. app. 2505; 49 U.S.C. 3102; 49 CFR 1.48.

4. Section 392.71 is added to Subpart G, as follows:

§ 392.71 Radar detectors; use and/or possession.

(a) No driver shall use a radar detector in a commercial motor vehicle, or operate a commercial motor vehicle that is equipped with or contains any radar detector.

(b) No motor carrier shall require or permit a driver to violate paragraph (a) of this section.

[FR Doc. 92–1752 Filed 1–23–92; 8:45 am]

BILLING CODE 4910–22–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1244

[Ex Parte No. 385 (Sub–No. 3)]

Expansion of the ICC Waybill Sample Public Use File

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: On February 1, 1990, the Commission published for public comment in the **Federal Register** (55 FR 3416) proposed changes to the ICC Waybill Sample Public Use File (PUF) that we believed would increase the benefits of the PUF to users. The Association of American Railroads, in response to this notice, argues that the proposed changes would permit the identification of specific shippers or consignees and compromise the

confidentiality of sensitive movement and contract rate information. As a result, the proposed revisions are withdrawn and this proceeding is terminated.

DATES: This withdrawal is effective January 24, 1992.

FOR FURTHER INFORMATION CONTACT: James A. Nash (202) 927-6196; [TDD for hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: January 15, 1992.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simmons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-1749 Filed 1-23-92; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 57, No. 16
Friday, January 24, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Financial Services; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the Committee on Financial Services of the Administrative Conference of the United States.

Committee on Financial Services

Date: Friday, February 14, 1992.
Time: 10 a.m.
Location: Administrative Conference of the United States 2120 L Street, N.W., suite 500 Washington, DC 20037 (Library, 5th floor)
Agenda: The Committee has scheduled this meeting to discuss the pilot for a study by Professor Lawrence G. Baxter, of Duke University School of Law, of Judicial Responses to the Recent Enforcement Activities of the Federal Banking Regulators. The Special Committee may also discuss a proposed recommendation dealing with the administration of the Securities Exchange Act of 1934 by the federal bank regulatory agencies, based on a report by Professor Michael P. Malloy, of Fordham University School of Law. Copies of the reports and the draft recommendation may be obtained from the contract person named in this notice.
Contact: Brian C. Murphy, 202–254–7020.

Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during or after the meeting. Minutes of the meeting will be available on request. The contact person's mailing address is: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone: 202–254–7020.

Dated: January 15, 1992.

Jeffrey S. Lubbers,
Research Director.

[FR Doc. 92–1697 Filed 1–23–92; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

January 17, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

• Agricultural Marketing Service, Regulating the Handling of Spearmint Oil Produced in the Far West—Marketing Order No. 985. Recordkeeping; On occasion; Annually. Businesses or other for-profit; 1,511 Responses; 239 hours. Christian D. Nissen (202) 720–1754.

• Rural Electrification Administration, REA Electric Loan Application. REA Forms 7, 7a, 325, 341, 345, 346, 740c, 740g. On occasion; Annually. Small businesses or organizations; 4,085 responses; 135,155 hours. Daphne L. Brown (202) 720–0810.

• Agricultural Marketing Service, Cranberries Grown in the State of MA, RI, CT, NJ, WI, MI, MN, OR, WA, and Long Island in the State of NY—Marketing Order No. 929. Recordkeeping; Annually. Farms; Businesses or other for-profit; 1684 responses; 849 hours. Maureen Pello (202) 720–2861.

• Cooperative State Research Service, Small Business Innovation Research Program. Form CSRS–667 for Form CSRS–668. Annually. Small Businesses or organizations; 330 responses; 1320 hours. Melvin J. Schlattman (202) 401–5058.

Extension

• Packers and Stockyards Administration, "Clear Title" Regulations to Implement Section 1324 of the Food Security Act of 1985. On occasion. State or local governments; 10 responses; 120 hours. Calvin W. Watkins (202) 720–7063.

Larry K. Roberson,
Deputy Departmental Clearance Officer.

[FR Doc. 92–1790 Filed 1–23–92; 8:45 am]
BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Office of the Assistant Secretary for Food and Consumer Services

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Draft of the United States Country Paper for the International Conference on Nutrition (ICN); Opportunity to Provide Written Comments, Meeting

AGENCY: Office of the Assistant Secretary for Food and Consumer Services, USDA, Office of the Assistant Secretary for Health, DHHS.

ACTION: Notice.

SUMMARY: The Department of Agriculture (USDA) and the Department of Health and Human Services (DHHS) (a) announce the availability of a draft U.S. Country Paper for the International Conference on Nutrition (ICN); (b) invite written public comment by February 21, 1992; and (c) announce a public meeting to solicit comments on the paper and

provide information on conference preparations.

DATES: To be assured of consideration, written comments on the draft U.S. Country Paper should be postmarked no later than February 21, 1992. The public meeting will be held at the Department of Agriculture, 14th and Independence Ave., SW., Administration Bldg., room 107A, on February 24, 1992 from 10:00 am to noon.

ADDRESSES: Written comments on the draft paper should be sent to Amy Sellers, Food and Nutrition Service (USDA), room 206, 3101 Park Center Drive, Alexandria, VA. 22302.

FOR FURTHER INFORMATION CONTACT: (1) For a copy of the draft paper, write to Amy Sellers, Food and Nutrition Service (USDA), room 206, 3101 Park Center Drive, Alexandria, VA. 22302 or phone (703) 305–2115. (2) For other information regarding the International Conference on Nutrition: Neil Gallagher, Office of International Cooperation and Development, Department of Agriculture, room 3005 South Building, 14th and Independence Ave., SW., Washington, DC 20250–4300, (202) 690–1817, or Linda Meyers, Office of Disease Prevention and Health Promotion, U.S. Public Health Service, DHHS, 330 C Street, SW., room 2132 Switzer Bldg., Washington, DC 20201, (202) 472–5307.

SUPPLEMENTARY INFORMATION: The International Conference on Nutrition (ICN) will be held in Rome, Italy, in December 1992. It is jointly sponsored by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO). As many as 150 nations are likely to send delegations. Many nongovernment organizations and private business groups are also expected to participate. The Conference will look critically at the problems of hunger, malnutrition and diet-related diseases in both developing and developed nations and examine ways to foster added international cooperation in the field of nutrition.

The U.S. Country Paper is the major United States contribution to the principal background document for the Conference—"An Assessment and Analysis of Trends and Current Problems in Nutrition." The paper was prepared following an outline produced by the Joint FAO/WHO Secretariat for the ICN. This allows it to be used more readily to compare U.S. policies and programs with those of other nations. A supplement to the main paper outlines the many contributions that U.S. international programs are making toward the improvement of nutrition worldwide, especially among vulnerable groups and the poor in the developing world.

Since the content and focus of the U.S. country Paper were dictated by the needs of the conference organizers, the paper should not be viewed as a comprehensive statement of official U.S. Government policies. Sections were written by individuals outside the Government to reflect the important nutrition-related activities of the private sector, educational organizations and voluntary groups. However, a number of documents stating U.S. Government policy on nutrition, public health, and international assistance are cited in the text. Readers should refer to those documents for more detailed statements and information on public policies. This notice is not published pursuant to the Administrative Procedures Act.

Dated: January 15, 1992.

Catherine Bertini,

Assistant Secretary for Food and Consumer Services, U.S. Department of Agriculture.

Dated: January 15, 1992.

James O. Mason,

Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 92–1789 Filed 1–23–92; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Big Mountain Ski and Summer Resort Expansion Flathead National Forest, Flathead County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare an environmental impact statement.

SUMMARY: The notice is hereby given that the Forest Service will prepare an environmental impact statement for a proposal to expand winter and summer recreation opportunities at the Big Mountain Ski and Summer Resort on the Tally Lake Ranger District. The Big Mountain is located approximately 6 miles north of Whitefish, Montana.

DATES: Comments concerning the scope of the analysis should be received in writing by March 15, 1992.

ADDRESSES: Send written comments to Bert Stout, District Ranger, Tally Lake Ranger District, 1335 Highway 93 North, Whitefish, Montana 59937.

FOR FURTHER INFORMATION CONTACT: Becky Smith, Big Mountain Expansion Interdisciplinary Team Leader, or Bert Stout, District Ranger.

SUPPLEMENTARY INFORMATION: The proposed action includes construction of 440 acres of low intermediate, intermediate and advanced ski terrain, two T-bars, three chairlifts, warming/eating hut, and access road to submit. Proposed development will raise the skier capacity from 6600 skiers at one time to 12,097 skiers at one time. Completion of the proposed development will occur over a long period of time in response to market demand and financial capabilities of Winter Sports, Inc. Proposed summer activities include construction of a mountain bike trail, horse trail, hiking trail, alpine slide and paragliding. These management activities would occur in an area encompassing approximately 3600 acres of National Forest Lands located in Management Area 20, as delineated in the Flathead National Forest Land and Resource Management Plan (Forest Plan), approved 1–22–86. Included in the area of analysis are all or portions of the following: sections 19, 20, 29, 30, 31, and 32, T32N, R21W and in sections 14, 23, 24, 25, 26, 35, and 36, T32N, R22W, Principal Montana Meridian.

This EIS will tier to the Forest Plan which provided the overall guidance (Goals, Objectives, Standards and Guidelines, and Management Area direction) in achieving the desired future condition for this area. The Forest Plan allocates Management Area 20 as the Big Mountain Winter Sports Area (3,574 acres). Currently, about 3,036 acres are managed under a special use permit. The remainder of lands within Management Area 20 provides opportunities for Big Mountain expansion according to the Forest Plan.

The purpose and need for the proposed action are to (1) increase safety by expanding avalanche protection; (2) reduce skier congestion through expanding ski terrain, additional lifts and or management activities; (3) reduce numbers of lost skiers; (4) provide opportunity for year round economic viability by expanding summer recreation activities; and (5) improve driving access to the summit by relocating a segment of road. The process used in preparing the Draft EIS will include:

1. Identification of potential issues.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.

4. Identification of additional reasonable alternatives.

5. Identification of potential environmental effects of the alternatives.

6. Determination of potential agencies and task assignments.

The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed. For most effective use, comments should be sent to the agency with 45 days from the date of this publication in the **Federal Register**.

Issues identified from previous requests for comments on this proposal include but are not limited to: (1) Threatened and Endangered Species, the grizzly bear and gray wolf; (2) water quality; (3) safety; (4) quality of life.

A range of alternatives will be considered. One of these will be the "no-action" alternative, in which the ski area expansion or additional summer activities would not be implemented on National Forest Lands. Other alternatives will examine additional ski runs, lifts, trails, roads and summer activities in different locations and varied combinations to achieve the purpose of the proposed action.

The Forest will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives. In addition, the EIS will disclose the analysis of site specific mitigation measures and their effectiveness.

Public participation is especially important at several points of the analysis. People may visit with Forest Service officials at any time during the analysis and prior to the decision. However, two periods of time are identified for the receipt of comments on the analysis. The two public comment periods are during the scoping process (now through March 15, 1992) and in the review of the Draft EIS (June–July, 1992). The Forest Service has previously sent informational letters and news releases on this proposal to area newspapers, radio and television stations, organizations and interested citizens. An open house was held in November 1991 to discuss issues and alternatives. At this time it has not yet determined whether any additional public meetings will be held.

The Fish and Wildlife Service, Department of the Interior, will be informally consulted throughout the analysis. To meet the requirements of the Endangered Species Act, the Fish and Wildlife Service will review the EIS and biological evaluation and if necessary, render a formal Biological Opinion of the effects on the Threatened and Endangered Species including grizzly bear and gray wolf. An FG–124 permit may need to be issued by the State of Montana Department of Fish, Wildlife and Parks Department before any construction in and around streams can take place. Revision of the existing ski area permit will need to be completed if the proposed activities are allowed.

The draft environmental impact statement (DEIS) is expected to be available for public review in June, 1992. After a 45-day public comment period, the comments received will be analyzed and considered by the Forest Service in preparing the final environmental impact statement (FEIS). The FEIS is scheduled to be completed by September, 1992. The Forest Service will respond to the comments received in the FEIS. The Flathead Forest Supervisor who is responsible official for this EIS will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notices of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Dated: January 16, 1992.

Bert Stout,

District Ranger.

[FR Doc. 92–1782 Filed 1–23–92; 8:45 am]

BILLING CODE 3410–11–M

National Agricultural Statistics Service

Cattle Inventory and Cattle on Feed Survey Changes

Notice is hereby given that the National Agricultural Statistics Service (NASS) has modified sampling and data collection procedures for Cattle Inventory and Cattle on Feed surveys for 1992. The following changes have been made to improve survey reliability and minimize respondent burden:

(a) The Cattle Inventory questionnaire and the Cattle on Feed questionnaire will be combined into one instrument in January and July;

(b) The national sample sizes will be increased by nearly 13,000 operations in January and approximately 10,000 operations in July. These increases will be spread primarily throughout the "farmer feeder" States;

(c) NASS, in order to ensure greater response to the questionnaires sent to sample feedlots, will now contact nonrespondents either by telephone or in person.

For more information contact William L. Pratt, Chief, Livestock, Dairy and Poultry Branch, Estimates Division, room 5906–S, NASS/USDA, Washington, DC 20250.

(7 U.S.C. 2204)

Done in Washington, DC, this 21st day of January 1992.

Charles E. Caudill,

Administrator.

[FR Doc. 92–1808 Filed 1–23–92; 8:45 am]

BILLING CODE 3410–20–M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the Indiana Advisory Committee; Corrected

Pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, notice is hereby given that the meeting of the Indiana Advisory Committee to the Commission,

previously announced in the **Federal Register** on January 6, 1992, (57 FR 395), FR Doc. 92–150, to convene at 9 a.m. until 5 p.m. on Friday, February 7, 1992, at the University Place Hotel, 850 West Michigan Street, Indianapolis, Indiana has been rescheduled to convene on Friday, February 14, 1992 at the same location. The purpose of this meeting is for the Committee to discuss its report on hate crime and to plan a future project.

Persons desiring additional information should contact Hollis E. Hughes, Committee Chairperson at (219) 233–9305 or Constance M. Davis, Regional Director of the Midwestern Regional Office, U.S. Commission on Civil Rights, at (312) 353–8311. Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, January 17, 1992.

Carol Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92–1699 Filed 1–23–92; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Government Owned Inventions Available for Licensing; Notice

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government Owned Inventions available for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

SN382,884
(4,954,722) Scanning Scattering Microscope
SN482,589
(4,962,275) Separator-Solubilizer for Supercritical Fluid Extraction
SN319,197
(4,968,908) Method and Apparatus for Wide Band Phase Modulation
SN452,439
(4,969,856) Transparent Thin Film Thermocouple
SN409,854
(4,972,720) Thermal Technique for Determining Interface and/or Interply Strength in Composites
SN411,984
(5,001,001) Process for the Fabrication of Ceramic Monoliths by Laser-Assisted Chemical Vapor Infiltration
SN292,601
(4,954,481) Superconductor-Polymer Composites
SN381,553
(4,963,826) Reference Standard Block for Use in Nondestructive Test Probe Calibration and Method of Manufacture Thereof
SN410,387
(4,965,529) High Current, Very Wide Band Transconductance Amplifier
SN388,420
(4,980,566) Ultrashort Pulse Multichannel Infrared Spectrometer Apparatus and Method for Obtaining Ultrafast Time Resolution Spectral Data
SN801,972
(4,638,257) Amplification By a Phase Locked Array of Josephson Junctions
SN745,309
(4,700,150) External Laser Frequency Stabilizer
SN419,164
(5,015,323) Multi-tiped Field-emission Tool for Parallel-process Nanostructure Fabrication
SN868,483
(4,672,851) Acoustic Evaluation of Thermal Insulation
SN747,486
(4,685,661) Method and Mechanism for Fixturing Objects
SN838,748
(4,694,230) Micromanipulator System
SN802,091
(4,705,949) Method and Apparatus Relating to Specimen Cells for Scanning Electron Microscope
SN868,485
(4,707,013) Split Rail Parallel Gripper
SN834,728
(4,714,339) Three and Five Axis Laser Tracking System
SN067,400
(4,765,668) Robot End Effector
SN031,716
(4,765,750) Method of Determining Subsurface Property Value Gradient
SN048,848
(4,765,754) Inclined Contact Recirculating Roller Bearing
SN015,557
(4,771,022) High Pressure Process for Producing Transformation Toughened Ceramics
SN851,607
(4,772,524) Fibrous Monolithic Ceramic and Method Production
SN897,227
(4,772,745) Polymer-reactive Photosensitive Anthracenes
SN909,433
(4,804,446) Electrodeposition of Chromium From a Trivalent Electrolyte
SN035,211
(4,789,779) Heat Pipe Oven Molecular Beam Source

Technical and licensing information, including a copy of the patent, on these inventions may be obtained by writing to: Bruce E. Mattson, National Institute of Standards and Technology, Office of Technology Commercialization, Division 222, room A343, Gaithersburg, Maryland 20899 or by telephoning (301) 975–3084.

Dated: January 17, 1992.

John W. Lyons,

Director.

[FR Doc. 92–1820 Filed 1–23–92; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by the Municipality of Barceloneta, Puerto Rico, From an Objection by the Commonwealth of Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal and request for comments.

On June 4, 1990, the Secretary of Commerce (Secretary) received a notice of appeal from counsel for the Municipality of Barceloneta, Puerto Rico (Appellant). The Appellant is appealing to the Secretary under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, (CZMA) and the Department of Commerce's implementing regulations at 15 CFR part 930, subpart H. The appeal is taken from an objection by the Commonwealth of Puerto Rico Planning Board (PRPB) to the Appellant's consistency certification that its proposal for U.S. Army Corps of Engineers permit to channelize a portion of the Rio Grande De Manati as part of a flood control project and dredge 6,233,607 cubic meters of material to create a marina within the river is consistent with the PRPB's coastal zone management program.

The CZMA provides that a timely objection by a state (including the PRPB) to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). (Section 307(c)(30(A).] To make such a determination, the Secretary must find

that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellant requests that the Secretary override the PRPB's consistency objections based on Ground I. To make the determination that the proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that: (1) The proposed activity furthers one or more of the national objectives or purposes contained in sections 302 or 303 of the CZMA, (2) the adverse effects of the proposed activity do not outweigh its contribution of the national interest, (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act, and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with PRPB's coastal management program. 15 CFR 930.121.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within 30 days of the publication of this notice and should be sent to Stephanie S. Campbell, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington DC 20235. Copies of comments should also be sent to Ms. Ivette Dejesus, Puerto Rico Planning Board, De Diego Avenue, Stop 22, San Juan, Puerto Rico, 00940–9985.

All nonconfidential documents submitted in this appeal or available for public inspection during business hours at the offices of the Commonwealth of Puerto Rico Planning Board and the Office of the Assistance General Counsel for Ocean Services, NOAA.

FOR FURTHER INFORMATION CONTACT: Stephanie S. Campbell, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington, DC 20235, (202) 606–4200.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance]

Dated: January 21, 1992.

Thomas A. Campbell,

General Counsel.

[FR Doc. 92–1757 Filed 1–23–92; 8:45 am]

BILLING CODE 3510–08–M

Marine Mammals; Modification of Scientific Research Permit No. 580 (P77#22)

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Modification of Scientific Research Permit No. 580 (P77#22).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Scientific Research Permit No. 684 (P77#35) issued to NMFS, National Marine Mammal Laboratory, Alaska Fisheries Center, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115, on April 1, 1987, is modified to extend the effective date through April 30, 1992.

This modification is effective January 1, 1992.

Documents pertaining to this Modification and Permit are available for review in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., Silver Spring, Maryland 20910, (301–713–2289); and:

Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700—Building 1, Seattle, WA 98115–0070, (206–526–6150).

Dated: January 16, 1992.

Nancy Foster,

Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–1730 Filed 1–23–92; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Additions and Deletion

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Additions to and deletion from Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have severe disabilities, and deletes from the Procurement List a service previously furnished by such agencies.

EFFECTIVE DATE: February 24, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: On August 16, November 11, December 2 and 6, 1991, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (56 FR 40872, 58051, 61234 and 63937) of proposed additions to and deletion from the Procurement List:.

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and provide the services at a fair market price and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the services procured by the Government.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Cutlery, Plastic, Medium Weight
7340–00–NIB–0009 (Knife)
7340–00–NIB–0010 (Fork)
7340–00–NIB–0011 (Teaspoon)
7340–00–NIB–0012 (Soup Spoon)
(Requirements of the Navy Exchange Service Command)

Clip System, Paper
7510–01–317–4219 (Desk Dispenser)
7510–01–317–4220 (Hand Dispenser)
7510–01–317–4228 (Metal Clip refill)

Services

Grounds Maintenance, Naval Weapons Station, Concord, California.

Janitorial/Custodial, U.S. Army Reserve Center, 950 New Castle Road, Farrell, Pennsylvania.

Janitorial/Custodial, U.S. Army Reserve Center, 1545 Airport Road, Franklin, Pennsylvania.

Mail and Messenger Service, U.S. Army Corps of Engineers, Portland, Oregon.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following service is hereby deleted from the Procurement List: Grounds Maintenance, Naval Weapons Center, China Lake, California.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92–1804 Filed 1–23–92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed addition to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 24, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action. If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities listed below from nonprofit agencies employing the blind or other severely disabled individuals.

It is proposed to add the following commodities to the Procurement List:

Cover, Protective, Life Preserver
4220–00–926–9459 thru 4220–00–926–9479
Pail, Utility
7240–00–060–6006
7240–00–061–1163
7240–00–246–1097
7240–00–889–3785
Container, Shipping
8115–00–NSH–0204 thru 8115–00–NSH–0213
(Requirements of the U.S. Mint, Washington, DC)
Cake Mix
8920–00–823–7221
8920–00–823–7223
8920–01–250–6360

Beverly L. Milkman,

Executive Director.

[FR Doc. 92–1805 Filed 1–23–92; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology to Support Force Projection: Global Reach—Global Power will meet on 30–31 January 1992, at the RAND Corporation, 1700 Main Street, Santa Monica, CA from 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with Section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92–1693 Filed 1–23–92; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee Global Reach—Global Power will meet on 12–13 February 1992, at The ANSER Corporation, Crystal Gateway 3, 1215 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 5 p.m.

The purpose of this meeting is to review the tasking, receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register, Liaison Officer.

[FR Doc. 92–1781 Filed 1–23–92; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

January 16, 1992.

The USAF Scientific Advisory Board Arnold Engineering Development Center (AEDC) Advisory Group will meet on March 16–17, 1992 from 8 a.m. to 4 p.m. Central Time at Arnold Air Force Base, Tennessee. This meeting was originally scheduled for January 22–23, 1992.

The purposes of this meeting will be to acquaint the new AEDC Advisory Group members with the mission and test facilities of AEDC and to receive feedback from the AEDC Advisory Group on the planning process that is used to identify/select/fund/build AEDC's technical facilities. This meeting will be closed to the public, in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer

[FR Doc. 92–1780 Filed 1–23–92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Government-owned Inventions; Availability for Licensing

AGENCY: Department of the Navy

ACTION: Notice of Availability of Inventions for Licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $3.00 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161, for $6.95 each ($10.95 outside North American Continent). Request for copies of patent application must include the patent application serial number. Claims are deleted from the patent applications copies sold to avoid premature disclosure.

FOR FURTHER INFOMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Patent 4,711,086: TRIDENT II FIRST AND SECOND STAGE INTERNAL INSULATION; filed 24 October 1986; patented 8 December 1987.
Patent 4,741,154: ROTARY DETONATION ENGINE; filed 26 March 1982; patented 3 May 1988.
Patent 4,784,350: PASSIVE STEP TRIMMER FOR MANEUVERING RE-ENTRY BODY; filed 19 February 1979; patented 15 November 1988.
Patent 4,973,252: SONAR SIMULATION SYSTEM USING ADVANCED DIGITAL TO VIDEO CONVERSION TECHNIQUES; filed 12 November 1971; patented 27 November 1990.
Patent 4,976,036: PROFILE TRANSFER JIG; filed 31 October 1989; patented 11 December 1990.
Patent 4,982,384: SPLIT BEAM SONAR; filed 27 September 1971; patented 1 January 1991.
Patent 5,003,779: GEOTHERMAL ENERGY CONVERSION SYSTEM; filed 18 June 1990; patented 2 April 1991.
Patent 5,004,183: SWITCHED COMPARATOR SYSTEM FOR OBTAINING DYNAMIC RANGE; filed 23 May 1975; patented 2 April 1991.
Patent 5,004,185: AIR-SURFACE-MISSILE DATA LINK SYSTEM; filed 31 August 1964; patented 2 April 1991.
Patent 5,004,801: POLYMER OF DITHIOETHER-LINKED PHTHALONITRILE; filed 21 November 1988; patented 2 April 1991.
Patent 5,004,993: CONSTRICTED SPLIT BLOCK WAVEGUIDE LOW PASS FILTER WITH PRINTED CIRCUIT FILTER SUBSTRATE; filed 19 September 1989; patented 2 April 1991.
Patent 5,005,018: MODULATOR TO PROVIDE A CONTINUOUS STEPPED FREQUENCY SIGNAL FORMAT; filed 6 October 1982; patented 2 April 1991.
Patent 5,005,482: COMBINED MINE SAFETY DEPLOYMENT AND ACTIVATION SYSTEM; filed 21 May 1984; patented 9 April 1991.
Patent 5,006,429: EXTERNALLY HEATED THERMAL BATTERY; filed 24 August 1989; patented 9 April 1991.
Patent 5,007,155: LATCH PIN INSTALLATION APPARATUS AND METHOD; filed 30 April 1990; patented 6 April 1991.
Patent 5,007,700: EDGE-EMITTING DIODE-TO-OPTICAL-FIBER COUPLING TECHNIQUE; filed 13 April 1990; patented 16 April 1991.
Patent 5,008,551: LOW NOISE SONAR SUPPORT SYSTEM; filed 4 June 1979; patented 16 April 1991.
Patent 5,008,680: PROGRAMMABLE BEAM TRANSFORM AND BEAM STEERING CONTROL SYSTEM FOR A PHASED ARRAY RADAR ANTENNA; filed 20 April 1988; patented 16 April 1991.
Patent 5,008,859: ACOUSTIC TRANSPONDER RECEIVER CIRCUIT; filed 7 December 1988; patented 16 April 1991.
Patent 5,008,860: POSITION AND VELOCITY DETERMINING SYSTEM; filed 16 March 1989; patented 16 April 1991.
Patent 5,010,342: RADAR SIMULATOR; filed 14 May 1973; patented 23 April 1991.
Patent 5,010,385: RESISTIVE ELEMENT USING DEPLETION-MODE MOSFETS; filed 30 March 1990; patented 23 April 1991.
Patent 5,010,804: LAUNCHING PROJECTILES WITH HYDROGEN GAS GENERATED FROM TITANIUM-WATER REACTIONS; filed 7 August 1990; patented 30 April 1991.
Patent 5,010,823: LINEAR PROPELLING SEPARATOR; filed 13 July 1990; patented 30 April 1991.
Patent 5,011,097: VEHICLE STEERING DEVICE; filed 3 August 1990; patented 30 April 1991.
Patent 5,011,785: INSULATOR ASSISTED SELF-ALIGNED GATE JUNCTION; filed 30 October 1990; patented 30 April 1991.
Patent 5,012,083: LONG WAVELENGTH INFRARED DETECTOR WITH HETEROJUNCTION; filed 18 June 1990; patented 30 April 1991.
Patent 5,012,121: ENERGY STORAGE CIRCUIT FOR SHORT TERM POWER INTERRUPTIONS; filed 22 March 1990; patented 30 April 1991.
Patent 5,012,452: PULSE TRANSFORMATION SONAR; filed 1 May 1972; patented 30 April 1991.
Patent 5,012,482: IMPROVED GAS LASER AND PUMPING METHOD THEREFOR USING A FIELD EMMITTER ARRAY; filed 12 September 1990; patented 30 April 1991.
Patent 5,012,483: A NARROW-BANDWIDTH DIFFRACTION-LIMITED, COUPLED STABLE-UNSTABLE RESONATOR LASER CAVITY; filed 27 September 1990; patented 30 April 1991.
Patent 5,012,740: ELECTRORHEOLOGICALLY DAMPED IMPACT SWITCH; filed 5 January 1990; patented 7 May 1991.
Patent 5,013,681: METHOD OF PRODUCING A THIN SILICON-ON-INSULATOR LAYER; filed 29 September 1989; patented 7 May 1991.
Patent 5,014,068: TRANSMISSION COUPLER ANTENNA; filed 19 January 1990; patented 7 May 1991.
Patent 5,014,279: LASER DIODE PUMPED, ERBIUM-DOPED, SOLID STATE LASER WITH HIGH SLOPE EFFICIENCY; filed 31 October 1989; patented 7 May 1991.
Patent 5,015,353: METHOD FOR PRODUCING SUBSTROICHIOMETRIC SILICON NITRIDE OF PRESELECTED PROPORTIONS; filed 30 September 1987; patented 14 May 1991.
Patent 5,015,603: TIW DIFFUSION BARRIER FOR AUZN OHMIC CONTACTS TO P-TYPE INP; filed 27 December 1988; patented 14 May 1991.
Patent 5,015,943: HIGH POWER, HIGH SENSITIVITY MICROWAVE CALORIMETER; filed 22 May 1989; patented 14 May 1991.
Patent 5,016,022: MONOPOLE INDUCTIVETY LOADED ANTENNA TUNING SYSTEM; filed 14 September 1981; patented 14 May 1991.
Patent 5,017,142: INTERACTIVE METHOD FOR TESTING WORKING MEMORY; filed 7 November 1989; patented 21 May 1991.
Patent 5,018,685: DATA LINK AND RETURN LINK; filed 27 May 1964; patented 28 May 1991.
Patent 5,020,032: SONOBOUY SUSPENSION SYSTEM; filed 5 December 1983; patented 28 May 1991.
Patent 5,020,400: WING FOLDING TOOL; filed 26 March 1990; patented 4 June 1991.
Patent 5,021,489: CORROSION-INHIBITING COATING COMPOSITION; filed 1 March 1990; patented 4 June 1991.
Patent 5,022,027: COMMUNICATIONS INTERFACE AND SYSTEM FOR RADIATION RECOVERY OF A MICROPROCESSOR PORTION THEREOF; filed 27 May 1982; patented 4 June 1991.
Patent 5,022,326: SYNCHRONOUS EXPLOSIVE LOGIC SAFING DEVICE; filed 20 May 1982; patented 11 June 1991.
Patent 5,023,056: THIN FILM FORMING DEVICE; filed 27 December 1989; patented 11 June 1991.
Patent 5,023,545: CIRCUIT PROBING SYSTEM; filed 4 June 1990; patented 11 June 1991.
Patent 5,025,143: AN ENHANCED CLUTTER SUPPRESSION APPARATUS FOR USE WITH AN INFRARED SEARCH AND SURVEILLANCE SYSTEM; filed 6 July 1982; patented 18 June 1991.
Patent 5,025,218: ACTIVE SEARCH TECHNIQUE FOR SUBSURFACE OBJECTS; filed 23 April 1979; patented 18 June 1991.
Patent 5,025,416: THIN FILM MAGNETIC MEMORY ELEMENT; filed 1 June 1989; patented 18 June 1991.

Patent 5,025,425: SONIC DETECTION AND TRACKING SYSTEM; filed 30 April 1970; patented 18 June 1991.
Patent 5,025,464: PSEUDO-RANDOM SUPPORT STRUCTURE FOR TRANSMISSION GRATINGS; filed 15 March 1990; patented 18 June 1991.
Patent 5,025,556: ENGINE BLOCK CYLINDER HEAD BOLT HOLE REPAIR; filed 19 July 1990; patented 18 June 1991.
Patent 5,025,728: SELECTIVE POINT DETONATION/DELAY EXPLOSIVE TRAIN DEVICE; filed 14 February 1983; patented 25 June 1991.
Patent 5,025,849: CENTRIFUGAL CASTING OF COMPOSITE; filed 15 November 1989; patented 25 June 1991.
Patent 5,027,055: COMPACT OPTICAL RF SPECTRUM ANALYZER; filed 10 January 1990; patented 25 June 1991.
Patent 5,027,121: VIDEO PROCESSOR FOR A COUNTER-COUNTERMEASURER SYSTEM; filed 9 July 1968; patented 25 June 1991.
Patent 5,027,333: ACOUSTIC LOCATOR FOR ELEMENTS OF A FLEXIBLE SONAR ARRAY; filed 26 November 1979; patented 25 June 1991.
Patent 5,030,913: MULTIPLE SENSOR MAGNETOMETER WITH TEMPORAL NOISE REJECTION AND CONTROLLABLE SPATIAL RESPONSE ON A MOVING PLATFORM; filed 21 June 1981; patented 9 July 1991.
Patent 5,030,957: METHOD OF SIMULTANEOUSLY MEASURING ORTHOMETRIC AND GEOMETRIC HEIGHTS; filed 26 February 1990; patented 9 July 1991.
Patent 5,033,034: ONBOARD ACOUSTIC TRACKING SYSTEM; filed 13 May 1980; patented 16 July 1991.
Patent 5,033,270: ROTARY BELLOWS; filed 1 October 1990; patented 23 July 1991.
Patent 5,033,354: DEEP OPERATING MONITOR AND DESTRUCT DEVICE; filed 21 November 1973; patented 23 July 1991.
Patent 5,034,817: REAL-TIME OPTICAL MOTION DETECTOR; filed 28 February 1990; patented 23 July 1991.
Patent 5,035,112: NON-CONTINUOUS IGNITION TRAIN; filed 3 December 1982; patented 30 July 1991.
Patent 5,035,180: SHEARING TYPE ORDANCE VENTING DEVICE; filed 28 March 1984; patented 30 July 1991.
Patent 5,035,756: BONDING AGENTS FOR THERMITE COMPOSITIONS; filed 10 January 1989; patented 30 July 1991.
Patent 5,035,874: DIALLYL TELLURIDE AND SYNTHESIS OF DIORGANO TELLURIDES; filed 29 April 1991; patented 30 July 1991.
Patent 5,036,323: ACTIVE RADAR STEALTH DEVICE; filed 17 September 1990; patented 30 July 1991.
Patent 5,036,371: MULTIPLE QUANTUM WELL DEVICE; filed 27 September 1989; patented 30 July 1991.
Patent 5,036,588: NONVOLATILE, FAST RESPONSE WIRE CUTTER; filed 2 October 1989; patented 6 August 1991.
Patent 5,036,769: PYROFUSE PIN FOR ORDNANCE DEVICE ACTIVATION; filed 9 March 1990; patented 6 August 1991.
Patent 5,037,042: STABILIZED SQUARE PARACHUTE; filed 19 April 1990; patented 6 August 1991.
Patent 5,039,228: FIXTURELESS ENVIRONMENTAL STRESS SCREENING FACILITY; filed 2 November 1989; patented 13 August 1991.
Patent 5,039,812: INSENSITIVE HIGH DENSITY EXPLOSIVE; filed 13 April 1981; patented 13 August 1991.
Patent 5,042,357: PYROFUZE AIRCRAFT ORDNANCE ARMING SYSTEM; filed 29 March 1990; patented 27 August 1991.
Patent 5,042,385: INHIBITOR AND BARRIER FOR USE WITH HIGH ENERGY ROCKET PROPELLANTS; filed 24 January 1983; patented 27 August 1991.
Patent 5,043,476: DIALLYL TELLURIDE; filed 26 June 1987; patented 27 August 1991.
Patent 5,043,477: METHYL ALLYL TELLURIDE; filed 13 July 1987; patented 27 August 1991.
Patent Application 471,314: HIGH SPEED PARALLEL BACKPLANE; filed 29 January 1990.
Patent Application 524,414: PHASE CANCELLATION ENHANCEMENT OF ULTRASONIC EVALUATION OF BONDS; filed 17 May 1990.
Patent Application 543,132: MACHINE OXIDE CERAMIC; filed 25 June 1990.
Patent Application 548,818: SENSE AMPLIFIER CONTROL SYSTEM FOR FERROELECTRIC MEMORIES; filed 18 September 1990.
Patent Application 548,852: EMITTANCE MEASURING DEVICE FOR CHARGED PARTICLE BEAMS; filed 5 July 1990.
Patent Application 551,104: METHOD FOR DESIGNING RELATIONAL DATABASE SCHEMES WITH THE AID OF A DIGITAL COMPUTER; filed 9 July 1990.
Patent Application 553,835: BIS(2-FLUORO-2.2-DINITROETHYL) CARBONATE, PENTAFLUOROSULFANYLIMINE; filed 18 July 1990.
Patent Application 554,051: ELECTRO-OPTIC DEVICES; filed 16 July 1990.
Patent Application 556,606: ALL WEATHER PRECISION LANDING SYSTEM FOR AIRCRAFT IN REMOTE AREAS; filed 24 July 1990.
Patent Application 557,059: APPARATUS FOR DESIGNING A SPECIALLY PORTED TORPEDO LAUNCHING SYSTEM; filed 25 July 1990.
Patent Application 560,702: BI-DIRECTIONAL PHASE STABLE MICROWAVE TRANSMITTER/RECEIVER; filed 28 July 1990.
Patent Application 568,304: SUBMARINE TORPEDO TUBE SHUTTERWAY LAUNCH MODE ADAPTER; filed 15 August 1990.
Patent Application 573,925: O-RING INSERTATION TOOL; filed 27 August 1990.
Patent Application 573,968: CAPACITATIVE TEST FIXTURE FOR WATER DETECTION IN FAULTY SUBMARINE BUOYANT CABLE ANTENNAS; filed 22 August 1990.
Patent Application 573,971: IN-LINE LOAD CELL FOR FLEXIBLE STRENGTH MEMBERS; filed 27 August 1990.
Patent Application 575,749: METALLIZED TUBULE-BASED ARTIFICIAL DIELECTRIC; filed 31 August 1990.
Patent Application 581,620: IMPROVED GAS LASER AND PUMPING METHOD THEREFOR USING A FIELD EMITTER ARRAY; filed 12 September 1990.
Patent Application 582,274: ALL-OPTICAL-FIBER FARADAY ROTATION CURRENT SENSOR WITH HETERODYNE DETECTION TECHNIQUE; filed 14 September 1990.
Patent Application 589,102: LOW CAPCITANCE FIELD EMITTER ARRAY AND METHOD OF MANUFACTURE THEREFOR; filed 27 September 1990.
Patent Application 589,703: PIVOTING SEAT FOR FIGHTER AIRCRAFT; filed 26 September 1990.
Patent Application 589,758: METHOD OF NANOMETER LITHOGRAPHY; filed 28 September 1990.
Patent Application 607,350: MAGNETOSTRICTIVE LINEAR MOTOR; filed 11 October 1990.

Dated: January 13, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-1698 Filed 1-23-92; 8:45 am]

BILLING CODE 3810-AE-F

Privacy Act of 1974; Amend Record System Notices

AGENCY: Department of the Navy, DOD.

ACTION: Amendment and deletion of record system notices.

SUMMARY: The Department of the Navy proposes to delete one and amend five existing systems of records to its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a). The specific changes are set forth below followed by the system notices as amended.

DATES: The deletion is effective January 24, 1992. The amendments will be effective February 24, 1992, unless comments are received that result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken, Head, PA/POIA Branch, Office of the Chief of Naval Operations (OP–09B30), Department of the Navy, The Pentagon, Washington, DC 20350–2000. Telephone (703) 614–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) were published in the **Federal Register** as follows:

51 FR 12908, Apr. 16, 1986
51 FR 18086, May 16, 1986 (DON Compilation, changes follow)
51 FR 19884, Jun. 3, 1986
51 FR 30377, Aug. 26, 1986
51 FR 30393, Aug. 26, 1986
51 FR 45931, Dec. 23, 1986
52 FR 2147, Jan. 20, 1987
52 FR 2149, Jan. 20, 1987
52 FR 8500, Mar. 18, 1987
52 FR 15530, Apr. 29, 1987
52 FR 22671, Jun. 15, 1987
52 FR 45846, Dec. 2, 1987
53 FR 17240, May 16, 1988
53 FR 21512, Jun. 8, 1988
53 FR 25363, Jul. 6, 1988
53 FR 39499, Oct. 7, 1988
53 FR 41224, Oct. 20, 1988
54 FR 8322, Feb. 28, 1989
54 FR 14378, Apr. 11, 1989
54 FR 32682, Aug. 9, 1989
54 FR 40160, Sep. 29, 1989
54 FR 41495, Oct. 10, 1989
54 FR 43453, Oct. 25, 1989
54 FR 45781, Oct. 31, 1989
54 FR 48131, Nov. 21, 1989
54 FR 51784, Dec. 18, 1989
54 FR 52976, Dec. 26, 1989
55 FR 21910, May 30, 1990 (Navy Mailing Addresses)
55 FR 37930, Sep. 14, 1990
55 FR 42758, Oct. 23, 1990
55 FR 47508, Nov. 14, 1990
55 FR 48678, Nov. 21, 1990
55 FR 53167, Dec. 27, 1990
56 FR 424, Jan. 4, 1991
56 FR 12721, Mar. 27, 1991
56 FR 27503, Jun. 14, 1991
56 FR 28144, Jun. 19, 1991
56 FR 31394, Jul. 10, 1991 (DOD Updated Indexes)
56 FR 40877, Aug. 16, 1991
56 FR 46167, Sep. 10, 1991
56 FR 59249, Nov. 25, 1991
56 FR 63503, Dec. 4, 1991

The amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), which requires the submission of altered systems reports.

Dated: January 20, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaision Officer, Department of Defense.

DELETION

N05210–2

System name:

PA/FOIA and Mandatory Declassification Review Case Files (56 FR 12721, March 27, 1991).

Reason:

System is no longer needed.

N01131–1

Sytem name:

Officer Selection and Appointment System (51 FR 18101, May 16, 1986).

Changes:

* * * * *

System location:

Delete entry and replace with "Primary System: For Active Duty Recruiting-Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991; For Reserve Recruiting: Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

Decentralized segments-Headquarters, Navy Recruiting Activities and subsidiary offices; Armed Forces Entrance and Examining Centers; Chief of Naval Personnel; Chief, Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board; Naval Reserve Recruiting Command detachments and reserve recruiting field offices."

* * * * *

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries for active duty recruiting information to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991; or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting information to the Commander, Naval Reserve Recruiting Command (ATTN: Privacy Act Coordinator), 4400 Dauphine Street, New Orleans, LA 70146–5001, or to the applicable Naval Reserve Recruiting Detachment.

Letter should contain full name, address, Social Security Number and signature. The individual may visit any location. Proof of identification will consist of picture-bearing or other official identification."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries for active duty recruiting information to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991; or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting information to the Commander, Naval Reserve Recruiting Command (ATTN: Privacy Act Coordinator), 4400 Dauphine Street, New Orleans, LA 70146–5001, or to the applicable Naval Reserve Recruiting Detachment.

Letter should contain full name, address, Social Security Number and signature. The individual may visit any location. Proof of identification will consist of picture-bearing or other official identification."

Contesting record procedures:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

Exemptions claimed for the system:

Delete entry and replace with "Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1), (5), (6) and (7), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information, contact the system manager.

N01131-1

SYSTEM NAME:

Officer Selection and Appointment System.

SYSTEM LOCATION:

Primary System: For Active Duty Recruiting-Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991; For Reserve Recruiting: Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001.

Decentralized segments-Headquarters, Navy Recruiting Activities and subsidiary offices; Armed Forces Entrance and Examining Centers; Chief of Naval Personnel; Chief, Bureau of Medicine and Surgery; National Personnel Records Centers; Naval Reserve Units; Naval Education and Training Activities; NROTC Units; Naval Sea Systems Command Headquarters; Naval Intelligence Command and subsidiary activities; Department of Defense Medical Examination Review Board; Naval Reserve Recruiting Command detachments and reserve recruiting field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have made application for direct appointment to commissioned grade in the Regular Navy or Naval Reserve, applied for officer candidate program leading to commissioned status in the U.S. Naval Reserve, applied for a Navy/Marine Corps sponsored NROTC scholarship program or preparatory school program, applied for interservice transfer to Regular Navy or Naval Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and nonautomated form concerning any applicant's personal history, education, professional qualifications, physical qualifications, mental aptitude, character and interview appraisals, National Agency Checks and certifications of background investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, 10 U.S.C. sections governing authority to appoint officers; 10 U.S.C. 591, 600, 716, 2107, 2122, 5579, 5600; Merchant Marine Act of 1939 (as amended); and Executive Orders 9397, 10450, and 11652.

PURPOSE(S):

To manage and contribute to the recruitment of qualified men and women for officer programs and the regular and reserve components of the Navy.

To ensure quality military recruitment and to maintain records pertaining to the applicant's personal profile for purposes of evaluation for fitness for commissioned service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of other departments agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Name and Social Security Number of applicant.

SAFEGUARDS:

Records kept in file cabinets and offices locked after working hours. Based on requirements of user activity, some buildings have 24-hour security guards.

RETENTION AND DISPOSAL:

Application records maintained six months; after six months, summary sheets maintained for five years at National Record Storage Center. NROTC application records kept for current year only. Correspondence files maintained for two years.

SYSTEM MANAGER(S) AND ADDRESS:

For Active Duty Recruiting: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

For Reserve Recruiting: Commander, Navy Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries for active duty recruiting information to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203-1991; or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting information to the Commander, Naval Reserve Recruiting Command (ATTN: Privacy Act Coordinator), 4400 Dauphine Street, New Orleans, LA 70146-5001, or to the applicable Naval Reserve Recruiting Detachment.

Letter should contain full name, address, Social Security Number and signature. The individual may visit any location. Proof of identification will consist of picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries for active duty recruiting information to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203-1991; or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting information to the Commander, Naval Reserve Recruiting Command (ATTN: Privacy Act Coordinator), 4400 Dauphine Street, New Orleans, LA 70146-5001, or to the applicable Naval Reserve Recruiting Detachment.

Letter should contain full name, address, Social Security Number and signature. The individual may visit any location. Proof of identification will consist of picture-bearing or other official identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy Recruiting personnel and employees processing applications; medical personnel conducting physical

examination and private physicians providing consultations or patient history; character and employer references named by applicants; educational institutions, staff and faculty members; Selective Service Commission; local, state, and federal law enforcement agencies; prior or current military service record; Members of Congress; Commanding Officer of Naval Unit, if active duty; Department of Navy offices charged with personnel security clearance functions. Other officials and employees of the Department of the Navy, Department of Defense, and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1), (5), (6) and (7), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information, contact the system manager.

N01133-2

System name:

Recruiting Enlisted Selection System (51 FR 18104, may 16, 1986).

Changes:

* * * * *

System location:

Delete entry and replace with "Primary System (Active Duty Recruiting Issues)-Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991; (Reserve Recruiting Issues)-Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001, its detachments and reserve recruiting field offices.

Decentralized Segments-Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A' Stations, Navy Recruiting Branch Stations, MEPS, and Naval Reserve Recruiting Command detachments and reserve recruiting field offices."

* * * * *

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries regarding active duty recruiting issues to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203-1991 or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001, its detachments or reserve recruiting field offices.

Letter should contain full name, address, Social Security Number and signature. The individual may visit the activity with proof of identification, such as picture-bearing or other official identification."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203-1991; or, Chief of Naval Reserve (Code 111C), New Orleans, LA, 70146-7800, or, to applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book, or to the Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001, its detachments or reserve recruiting field offices.

Letter should contain full name, address, Social Security Number and signature. The individual may visit Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991. Proof of identification will consist of picture-bearing or other official identification."

Contesting record procedures:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

Exemptions claimed for the system:

Delete entry and replace with "Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1), (5), (6), and (7) as applicable.

An exemptions rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information contact the system manager."

N01133-2

SYSTEM NAME:

Recruiting Enlisted Selection System.

SYSTEM LOCATION:

Primary System (Active Duty Recruiting Issues)—Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991; (Reserve Recruiting Issues)—Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146-5001, its detachments and reserve recruiting field offices.

Decentralized Segments—Navy Recruiting Area Commanders, Navy Recruiting District Headquarters, Navy Recruiting 'A' Stations, Navy Recruiting Branch Stations, MEPS, and Naval Reserve Recruiting Command detachments and reserve recruiting field offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the U.S. Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and nonautomated form concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 133, 275, 503, 504, 508, 510, 672, 1071-1087, 1168, 1169, 1475-1480, 1553, 5013; and Executive Order 9397.

PURPOSE(S):

To provide recruiters with information concerning personal history, education, professional qualifications, mental aptitude, and other individualized items which may influence the decision to select/non-select an individual for enlistment in the U.S. Navy.

To provide historical data for comparison of current applicants with those selected in the past.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the

performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

To officials and employees of other departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management of quality military recruitment.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Automated records are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of subject.

SAFEGUARDS:

Records are accessible only to authorized Navy recruiting personnel within and are handled with security procedures appropriate for documents marked 'For Official Use Only'.

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Active Duty Recruiting Issues: Commander, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

Reserve Recruiting Issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries regarding active duty recruiting issues to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991 or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001, its detachments or reserve recruiting field offices.

Letter should contain full name, address, Social Security Number and signature. The individual may visit the activity with proof of identification, such as picture-bearing or other official identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries regarding active duty recruiting issues to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 4015 Wilson Boulevard, Arlington, VA 22203–1991 or to the applicable Naval Recruiting District as listed under U.S. Government in white pages of telephone book. For reserve recruiting issues: Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001, its detachments or reserve recruiting field offices.

Letter should contain full name, address, Social Security Number and signature. The individual may visit the activity with proof of identification, such as picture-bearing or other official identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Navy recruiting and reserve recruiting personnel and administrative staff; medical personnel conducting physical examinations and/or private physicians providing consultations or patient history; character and employer references; educational institutions, staff and faculty members; Selective Service Commission; local, state and federal law enforcement agencies; prior or current military service records; Members of Congress.

Other officials and employees of the Department of the Navy, Department of Defense and components thereof, in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k)(1), (5), (6), and (7) as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information contact the system manager.

N01136–1

System name:

Navy Recruiting Support System (51 FR 18105, May 16, 1986).

Changes:

System name:

Delete "Recruiting Support" and replace with "Awareness."

* * * * *

Authority:

Add at end of entry "and Executive Order 9397."

* * * * *

Purpose(s):

In line two, delete the words "recruiting support" and replace with "awareness."

* * * * *

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991, telephone (202) 692–4795.

Requester is required to supply full name, rank/rate (if applicable), address and Social Security Number."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203–1991.

Requester is required to supply full name, rank/rate (if applicable), address and Social Security Number."

Contesting record procedures:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

N01136-1

SYSTEM NAME:

Navy Awareness System.

SYSTEM LOCATION:

Headquarters, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

Decentralized Segments-Navy Recruiting Areas; Navy Recruiting Districts; Navy Recruiting 'A' Stations; Navy Recruiting Branch Stations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have taken the Armed Forces Vocational Aptitude Battery; Naval Reserve officers nominated by District Commanding Officers for a collateral duty assignment as Recruiting District Assistance Council Chairmen (RDAC); Enlisted Personnel selected by local Navy Recruiter for participation in local Navy Recruiting effort; Community leaders and individuals who provide assistance to Navy Recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name; Social Security Number; address; pertinent family information; pertinent military information; professional and education affiliations and experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 133, 503, 504, 508, 510, and 5013; 44 U.S.C. 3101, 3702; and Executive Order 9397.

PURPOSE(S):

To provide field recruiters with various vehicles of Navy awareness; to familiarize Navy Recruiters with community leaders; to provide a thorough interface between the Navy and the community; to promote the Navy among the members of the civilian community; to provide educators with a measure of the vocational aptitude of their students through administration of the Armed Services Vocational Aptitude Battery; to cultivate community awareness; to assign inactive Reserve officers to recruiting support functions as Recruiting District Assistance Council Chairmen; to facilitate liaison with various business, social and education cultures in the community; to obtain media support for the Navy Recruiting Command; to assist the local recruiter in any way the recruiter feels necessary; and, to generate prospective applicants for the U.S. Navy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Transportation in the performance of their official duties relating to the recruitment of Merchant Marine personnel.

To officials and employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets and magnetic tape.

RETRIEVABILITY:

Information can be accessed by name and Social Security Number.

SAFEGUARDS:

Lists and files are handled with discretion and accessible only to those personnel having a need to know.

RETENTION AND DISPOSAL:

Records are retained for the tenure of the individual involved or in the case of high school Armed Services Vocational Aptitude Battery lists for a maximum two-year period or until information is no longer useful for recruiting support.

Magnetic tapes are demagnetized; other manual files are shredded or burned when discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

Requester is required to supply full name, rank/rate (if applicable), address and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquires to the Director, Recruiting Support Department, Navy Recruiting Command, 4015 Wilson Boulevard, Arlington, VA 22203-1991.

Requester is required to supply full name, rank/rate (if applicable), address and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determination by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subject of the information; Field Recruiters; Area Commanders/District Commanding Officers; Chief of Naval Personnel; Chief of Naval Reserve; District Commandants; Chief of Naval Education and Training; Vocational Testing Group; Recruit Training Commands; Service Schools Commands.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N01770-2

System name:

Casualty Information Support System (51 FR 18122, May 16, 1986).

Changes:

* * * * *

System location:

Delete entry and replace with "Primary System-Bureau of Naval Personnel, Navy Department, Washington, DC 20370-5000; the local activity for which individual is assigned; and the Washington National Records Center, Suitland, MD. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices."

* * * * *

Authority for maintenance of the system:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations; OPNAVINST 1770.1, "Casualty Assistance Calls and Funeral Honors Support Program Coordination"; and Executive order 9397."

* * * * *

Routine uses of records maintained in the system, including categories of users and the purpose of such users:

In paragraph three, line one, after the word "of," insert "other federal," and delete paragraph three."

Storage:

Delete entry and replace with "Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper folders, microfiche or microfilm."

* * * * *

Safeguards:

In lines one and two, delete the phrase "and punched card processing."

Retention and disposal:

Delete entry and replace with "Records and maintained for seven years and then destroyed."

System manager(s) and address:

Delete entry and replace with "Chief of Naval Personnel, Navy Department, Washington, DC 20370-5000."

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB No. 2), Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries of the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex (FBO #2), Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

* * * * *

N01770-2

SYSTEM NAME:

Casualty Information Support System.

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, DC 20370–5000; the local activity for which individual is assigned; and the Washington National Records Center, Suitland, MD. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy military personnel who are reported missing, Missing in Action, Prisoner of War or otherwise detained by armed force; deceased in either an active or inactive duty status; reported ill/injured in either active duty, fleet reserve, or retired status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, reports, and records in both automated and nonautomated form concerning circumstances of casualty, next-of-kin data, survivor benefit information, personal and service data, and casualty program data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Department Regulations; OPNAVINST 1770.1, "Casualty Assistance Calls and Funeral Honors Support Program Coordination"; and Executive Order 9397.

PURPOSE(S):

To assist in the management of the casualty assistance program and to provide swift accurate responses to beneficiaries and survivors of Naval military personnel; to aid in the efficient settlement of the service member's estate and other affairs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To officials and employees of the Department of Health and Human Services in connection with eligibility, notification and assistance in obtaining benefits due.

To officials and employees of the Veterans Administration and the Selective Service Administration in connection with eligibility, notification and assistance in obtaining benefits due.

To officials of other federal, state, and local government agencies in connection with eligibility, notification and assistance in obtaining benefits due.

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper files, microfiche or microfilm.

RETRIEVABILITY:

Records may be retrieved by name and/or Social Security Number.

SAFEGUARDS:

Computer and punch card processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained and cleared.

Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records are maintained for seven years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel, Navy Department, Washington, DC 20370–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or to the local activity where

assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, military status, date of casualty and status at time of casualty, and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Officials and employees of the Department of the Navy, Department of Defense, Public Health Service, Veterans Administration and components, in performance of their official duties as specified by current instructions and regulations promulgated by competent authority; casualty reports may also be received from state and local agencies, hospitals and other agencies having knowledge of casualties to Navy personnel; general correspondence concerning member.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05354–1

System name:

Equal Opportunity Management Information and Support System (51 FR 18152, May 16, 1986).

Changes:

System name:

Delete entry and replace with "Equal Opportunity Management Information System."

System location:

In lines one and two, delete the words "Naval Military Personnel Command" and replace with "Bureau of Naval Personnel".

Categories of individuals covered by the system:

In line two, after the word "informal" insert the words "complaints or".

Categories of records in the system:

In line four, after the word, "informal" insert the words "complaints and".

* * * * *

Purpose(s):

In line three, before the word "investigations" insert the word "complaints,".

Routine uses of records maintained in the system, including categories of users and the purposes of such users:

Delete first paragraph.

Storage:

Delete entry and replace with "Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper file folders, microfiche or microfilm."

* * * * *

Safeguards:

Delete entry and replace with "Computer facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained, and cleared. Manual records and computer printouts are available only to authorized personnel having a need to know."

System manager(s) and address:

Delete entry and replace with "Chief of Naval Personnel, Navy Department, Washington, DC 20370–5000."

Notification procedure:

Delete entry and replace with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000 or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requester.

The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB 2), Washington, DC, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification."

Record access procedures:

Delete entry and replace with "Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370–5000 or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name, Social Security Number (and/or enlisted service number/officer file number), rank/rate, designator, military status, address, and signature of the requester.

The individual may visit the Chief of Naval Personnel (Pers 06), Arlington Annex (FOB 2), Washington, DC, for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification."

Contesting record procedures:

Delete entry and replace with "The Department of the Navy rules for accessing records and contesting contents and appealing initial

determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager."

Record source categories:

Delete entry and replace with "Federal, state, and local court documents; military investigatory reports; general correspondence concerning individual."

Exemptions claimed for the system:

Delete entry and replace with "Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k) (1) and (5), as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 701. For additional information contact the system manager."

N05354-1

SYSTEM NAME:

Equal Opportunity Management Information System.

SYSTEM LOCATION:

Primary System-Bureau of Naval Personnel, Navy Department, Washington, DC 20370-5000; and local activity to which individual is attached. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Secondary System-Department of the Navy activities in the chain of command between the local activity and the headquarters level. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy personnel who are involved in formal or informal complaints or investigations involving aspects of equal opportunity; and/or who have initiated, or were the subject of correspondence concerning aspects of equal opportunity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records concerning incident data, endorsements and recommendations, formal and informal complaints and investigations concerning aspects of equal opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To assist in equal opportunity measures, including but not limited to, complaints, investigations, and correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes, disc, and drums. Manual records may be stored in paper files, microfiche, or microform.

RETRIEVABILITY:

Filed alphabetically by last name of individual concerned.

SAFEGUARDS:

Computer facilities are located in restricted areas accessible only to authorized persons that are properly screened, trained and cleared. Manual records and computer printouts are available only to authorized personnel having a need to know.

RETENTION AND DISPOSAL:

Records maintained for two years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Personnel (Pers 06), Navy Department, Washington, DC 20370-5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Personnel (Pers 06), Washington, DC 20370-5000; or to the local activity where assigned. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

The letter should contain full name and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attahced for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief of Naval Personnel (Pers 06), Washington, DC 20370-5000; or, in accordance with the Directory of Department of the Navy Mailing Addresses (i.e., local activities).

The letter should contain full name and signature of the requester. The individual may visit the Chief of Naval Personnel, Arlington Annex (FOB #2), Room 1066, Washington, DC for assistance with records located in that building; or the individual may visit the local activity to which attached for access to locally maintained records. Proof of identification will consist of Military Identification Card for persons having such cards, or other picture-bearing identification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Federal, state, and local court documents; military investigatory reports; general correspondence concerning individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under the provisions of 5 U.S.C. 552a(k) (1) and (5) as applicable.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701. For additional information contact the system manager.

[FR Doc. 92-1758 Filed 1-23-92; 8:45 am]
BILLING CODE 3810-01

DEPARTMENT OF ENERGY

Statement of Findings on Floodplain Assessment for South Plume Removal Action, Fernald Environmental Management Project, Fernald, OH

AGENCY: Department of Energy.

ACTION: Statement of findings on floodplain assessment.

SUMMARY: The U.S. Department of Energy (DOE) presents this Statement of Findings on Floodplain Assessment, prepared pursuant to Executive Orders

11988 and 11990, and 10 CFR part 1022, Compliance with Floodplain/Wetlands Environmental Review Requirements. By the authority granted under section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Executive Order 12580, and based on consideration of the factors listed in 40 CFR 300.415(b)(2), DOE proposes to restrict access to and use of groundwater in an area south of the Fernald Environmental Management Project (FEMP) at Fernald, Ohio. This area, referred to as the South Plume, contains groundwater with uranium concentrations exceeding DOE's Derived Concentration Guide for uranium in drinking water. The proposed removal action, called the South Plume Removal Action, involves a five-part approach to eliminate the risks associated with the elevated uranium concentrations in the groundwater.

SUPPLEMENTARY INFORMATION: The proposed action involves activities within the 100-year floodplain of the Great Miami River. A map of the affected area is available from DOE at the address listed below, and is also contained in the Engineering Evaluation/Cost Analysis (EE/CA) for the South Plume Removal Action, available from the address below. On June 14, 1991, DOE published (56 FR 27505) a notice of floodplain involvement and opportunity to comment for the South Plume Removal Action. No comments were received, and DOE proceeded to assess the impacts of the proposed action during and after its implementation. On the basis of the floodplain assessment (available from the address below), DOE has determined that there is no practicable alternative to the proposed removal action and that this action has been designed to minimize potential harm to or within the floodplain of the Great Miami River. Several other alternatives, such as "no action," groundwater monitoring and institutional controls, and an alternate water supply, were considered and evaluated in making this determination.

The proposed removal action has the following three main objectives: (1) To protect public health by limiting access to and use of groundwater with uranium concentrations exceeding 30 μg/L, which is the limit set for the South Plume Removal Action in the EE/CA; (2) to protect the groundwater environment, which, in this case is a sensitive, sole source aquifer; and (3) to prevent further southward migration of the plume.

The South Plume Removal Action consists of 5 parts. Parts 1, 2, and 5 include activities within the 100-year floodplain of the Great Miami River. Parts 3 and 4 will not result in any activities in the floodplain.

Part 1 of the proposed removal action is the implementation of an alternate water supply for two industrial firms affected by the South Plume. This action would include the drilling of extraction wells west of the FEMP and transporting the water through 3300 feet of underground pipeline, partially in the 100-year floodplain, to the two affected firms. This construction activity would disturb about 1.8 acres in the floodplain, but there would be no permanent alterations. Any affected surface will be regraded to original elevation.

Part 2 of the removal action includes the installation of 4 extraction wells, a series of monitoring wells, a transfer pump station, an underground discharge pipeline, and an underground outfall pipeline. The four extraction wells would be located 1500 feet directly south of the FEMP site boundary and east of Paddy's Run Road. The wells would be located in the 100-year floodplain and would pump contaminated groundwater from the aquifer for discharge to the Great Miami River. The total area disturbed during the drilling of an extraction or monitoring well would be approximately 30 ft. by 30 ft., which includes the drilling rig placement and personnel work area. This would result in the disturbance of approximately 1.2 acres of the 100-year floodplain.

The construction of the transfer pump station, adjacent service road, and parking lot would require stockpiling activities, equipment operation, and some increased traffic in the area. These construction activities would temporarily disturb approximately 1 acre of the floodplain and result in its elevation. A culvert will be installed under the service road to mitigate downstream flooding impacts by providing for continuation of the existing drainage pattern.

The underground discharge pipeline running north would be about 9000 feet long, of which 730 feet would be in the 100-year floodplain, and would result in the temporary disturbance of approximately 0.8 acre of the floodplain. The outfall pipeline is approximately 4400 feet long, of which 2633 feet would be in the 100-year floodplain, and would result in the temporary disturbance of approximately 3.0 acres of the floodplain. The construction of a cofferdam to protect the outfall pipe would result in a minor intrusion to the 100-year floodplain; the riprap installed for erosion control would not change the flood elevation.

Part 3 of the removal action involves the installation of an Interim Advanced Wastewater Treatment (IAWWT) facility. The IAWWT facility would not treat contaminated groundwater from the South Plume, but would offset it, by treating an existing FEMP waste stream for the removal of uranium prior to its discharge to the Great Miami River. The installation of the IAWWT facility would not involve the 100-year floodplain.

Part 4 of the removal action includes the implementation of monitoring and institutional controls. This would involve regular sampling of existing wells to detect movement in the plume and regular communication with state and local officials. Part 4 would not involve the 100-year floodplain.

Part 5 of the removal action would consist of site characterization and groundwater monitoring activities, including hydropunch sampling, soil vapor surveys, the drilling and installation of groundwater monitoring wells, and groundwater modeling activities. Hydropunch sampling and soil vapor surveys would temporarily disturb approximately 1 acre of the floodplain; however, there would be no permanent structures installed in the 100-year floodplain as a result of these activities. The installation of groundwater monitoring wells would not involve the 100-year floodplain. Part 5 activities would not adversely affect the 100-year floodplain.

In summary, construction activities involved with Parts 1, 2, and 5 would result in the temporary disturbance of approximately 8.8 acres of the 1600 acres within the 100-year floodplain. This area is less than 0.6% of the total area of floodplain between miles 19 and 24 on the Great Miami River. The net effect of the removal action would be the permanent elevation of less than one acre in the floodplain. The culvert to be installed under part 2 of the proposed action would prevent modification of the existing drainage pattern, and thus mitigate potential downstream flooding impacts.

DOE examined three alternatives to the proposed removal action, i.e., the no-action alternative, the groundwater monitoring and institutional controls alternative, and the alternate water supply alternative.

The no-action alternative consists of routine groundwater monitoring and security activities, continued in accordance with DOE operational requirements. No additional remediation, monitoring, or security

activities would be provided. This alternative would not meet any of the removal action objectives; it is assessed to provide a baseline for comparison of other alternatives.

The second alternative considered is groundwater monitoring and institutional controls. This would include continued or additional groundwater monitoring of selected existing wells in the South Plume study area. The monitoring program would be designed to detect increases in uranium content which may indicate movement of the plume into or toward industrial, commercial, or residential wells. This alternative would not meet the removal action objectives as stated above.

The alternate water supply alternative consists of groundwater monitoring, institutional controls, and providing an alternate water supply to the two industrial firms using groundwater with uranium concentrations exceeding 30 μg/l. This alternative would not satisfy the objective of protecting the groundwater and controlling the plume migration.

There are no practicable alternatives to the proposed action; it is dictated by the location of the two industrial firms, pre-existing utilities, and the plume of contaminated groundwater. The removal action is mandated by CERCLA and the U.S. Environmental Protection Agency.

The temporary and long-term impacts to the soils in the floodplain would be minimal. A discussion of the impacts (i.e., sedimentation, erosion) is included in the EE/CA for the South Plume Removal Action. The riprap installed on each side of the cofferdam would be used to minimize erosion along the banks of the Great Miami River and any soil disturbed during the construction phase of the removal action would be regraded, reseeded with grass, and restored to near original condition. A culvert will be installed at the transfer pump station under the service road to mitigate downstream flooding impacts resulting from the elevation of approximately 1-acre of the 100-year floodplain.

The removal action has been designed to conform to applicable Federal and State regulations. Before construction begins, all applicable permits and approvals would be obtained from Federal and State agencies having jurisdiction.

FOR FURTHER INFORMATION CONTACT: For single copies of the floodplain assessment or for other information concerning the proposed action, contact: Jack R. Craig, Project Director, Fernald Remedial Action, U.S. Department of Energy, Post Office Box 398705, Cincinnati, Ohio 45239–8705.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–1686 Filed 1–22–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. QF83–316–005]

Cogentrix Eastern Carolina Corp.; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

January 16, 1992.

On December 26, 1992, Cogentrix Eastern Carolina Corporation (Applicant) of 9405 Arrowpoint Boulevard, Charlotte, North Carolina 28273–8110, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is presently certified for approximately 32 MW (33 FERC ¶ 62,348 (1985)). The instant recertification is requested to reflect the termination of a sale/leaseback arrangement and a change in the ownership structure of the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–1717 Filed 1–23–92; 8:45 am]

BILLING CODE 6707–01–M

[Project No. 4244–001 New York]

Long Lake Energy Corp.; Availability of Environmental Assessment

January 16, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a major license for the proposed Northumberland Hydroelectric Project located on the Hudson River in the town of Saratoga, Saratoga County, New York, and the town of Northumberland, Washington County, New York, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92–1718 Filed 1–23–92; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1061–000 California]

Pacific Gas and Electric Co., Availability of Environmental Assessment

January 16, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new license for the existing Phoenix Project, located near the town of Sonora on the South Fork of the Stanislaus River, Tuolumne County, California, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the project and has concluded that relicensing the project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-1716 Filed 1-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER92-86-000]

Pennsylvania Electric Co., Metropolitan Edison Co., Notice of Filing

January 16, 1992.

Take notice that on December 26, 1991, Pennsylvania Electric Company and Metropolitan Edison Company tendered for filing Supplemental information in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before January 27, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-1715 Filed 1-23-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4095-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 6, 1992 Through January 10, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** April 5, 1991 (56 FR 14096).

Draft EISs

ERP No. D-FHW-G40149-AR Rating EC2, US 67 Construction, US 67/167 to I-40 West/I-430 Interchange around the North Little Rock Metropolitan Area, Funding, Pulaski County, AR.

Summary

EPA concurs with the selection of alternative 1 as the preferred option, but finds the assessments of potential impacts from secondary development and the discussion of mitigation measures for wetlands insufficient.

ERP No. D-NOA-L90023-WA Rating EC2, Olympic Coast National Marine Sanctuary, Management Plan, Site Designation, NPDES Permit and COE Permit, Olympic Peninsula, WA.

Summary

Final EISs

ERP No. F-FAA-G51024-TX, Stinson Municipal Airport Improvement, Airport Layout Plan, Approval and Funding, City of San Antonio, Bexar County, TX.

Summary

EPA has no objections to the proposed action as described.

Dated: January 21, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92-1807 Filed 1-23-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL 4096-1]

Acid Rain Advisory Committee; "Opt-In" Subcommittee; Open Meeting

SUMMARY: In August of 1990, the U.S. Environmental Protection Agency gave notice of the establishment of an Acid Rain Advisory Committee (ARAC) which would provide advice to the Agency on issues related to the development and implementation of the requirements of the acid deposition control title of the Clean Air Act Amendments of 1990.

At its July 15-16 meeting, ARAC established an "Opt-In" Subcommittee to provide advice on issues related to the development of regulations under title IV, section 410 of the Clean Air Act Amendments of 1990. This section allows sources which are not affected units under title IV to participate in the allowance market by electing to become affected sources. These sources include certain utility units, industrial units, and process sources which generate sulfur dioxide emissions. Sources "opting-in" to the allowance system will be allocated allowances by EPA and, like utilities, will be able to bank or trade allowances if they make reductions.

OPEN MEETING DATES AND ADDITIONAL INFORMATION: Notice is hereby given that the ARAC "Opt-In" Subcommittee will hold its third open meeting on February 10 and 11 from 9 a.m. to 5 p.m. and on February 12 from 9 a.m. to 12 noon at the Washington Marriott Hotel, 1221 22nd St. NW., Washington, DC (202-872-1500). The meeting will include discussions on reduced utilization, permitting, monitoring, and other issues related to the development of an "opt-in" proposal.

INSPECTION OF COMMITTEE DOCUMENTS: All documents for this meeting including a more detailed meeting agenda will be publicly available in limited numbers at the meeting. Thereafter, these documents will be available in EPA Air Docket Number A-90-39 in room 1500 of EPA headquarters, 401 M Street SW., Washington, DC. Hours of inspection are 9:30 a.m. to 12 noon and 1:30 to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Concerning the "Opt-In" Subcommittee and its activities, contact the Acid Rain Program Hotline at 617-641-5377.

Dated: January 17, 1992.

Eileen B. Claussen,

Director, Office of Atmospheric and Indoor Air Programs, Office of Air and Radiation.

[FR Doc. 92-1787 Filed 1-23-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4095-8]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5073 OR (202) 260-5075.

Availability of Environmental Impact Statements Filed January 13, 1992 Through January 17, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920012, Final EIS, AFS, CA, Merced and South Fork Merced Wild and Scenic Rivers Management Plan, Implementation, Sierra and Stanislaus National Forests and Yosemite National Park, Mariposa and Madara Counties, CA, Due: February 24, 1992, Contact: Wallace McCray (209) 487-5155.

EIS No. 920013, Draft EIS, FHW, CT, I-95 at New Haven Harbor Crossing

(Quinnipiac River Bridge) Improvement, from Interchange 43 southwest to Interchange 53 northeast, Funding, COE Section 10 and 404 Permits, U.S. Coast Guard Bridge Permit, New Haven, East and West Haven, CT, Due: March 16, 1992, Contact: Edgar T. Hurle (203) 566–5704.

EIS No. 920014, Draft EIS, AFS, CA, South Fork of the Trinity Wild and Scenic River Management Plan, National Wild and Scenic Rivers, Implementation, Trinity River, Six Rivers and Shasta-Trinity National Forests, Trinity and Humboldt Counties, CA, Due: March 24, 1992, Contact: Roger Jaegel (916) 628–5227.

EIS No. 920015, Draft EIS, FHW, WI, US–53 (known as Hastings Way) Study Corridor Transportation Improvement, IH–94 to USH 53/STH–124 Interchange, Funding, Possible Section 404 Permit, Eau Claire and Chippewa Rivers, Eau Claire and Chippewa County, WI, Due: March 14, 1992, Contact: James Wenning (608) 264–5966.

EIS No. 920016, Final EIS, EPA, AL, South Baldwin County Wastewater Management Facilities, Construction Grant, South Baldwin County, AL, Due: February 24, 1992, Contact: Heinz J. Mueller (404) 347–7292.

EIS No. 920017, Final EIS, COE, WA, ID, OR, 1992 Columbia/Snake Rivers Salmon Flow Measures, Implementation, WA, OR and ID, Due: February 07, 1992, Contact: Greg Graham (509) 522–6596.

EIS No. 920018, Draft EIS, BOP, OK, Federal Transfer Center (FTC), Construction and Operation, Site Specific, Southeast corner of MacArthur and Southwest 74th Street, West of the Will Rogers World Airport, Oklahoma County, OK, Due: March 09, 1992, Contact: Patricia K. Sledge (202) 514–6470.

EIS No. 920019, Draft EIS, DOE, AK, Southeast Alaska Harbors Improvement, Construction of Offshore Breakwaters in Sitka Channel for Protection and Expansion of Thomsen Harbor, Funding, AK, Due: March 20, 1992, Contact: Guy McConnell (907) 753–2614.

EIS No. 920020, Draft EIS, DOT, Commercial Reentry Vehicles Launched into and from Space, Licensing, Due: March 09, 1992, Contact: Sharon D.W. Boddie (202) 366–4110.

Dated: January 21, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92–1806 Filed 1–23–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

January 15, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0454.

Title: Regulation of International Accounting Rates, (Report and Order, CC Docket No. 90–337).

Action: Revised collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 110 responses; 2.18 hours average burden per response; 240 hours total annual burden.

Needs and Uses: The attached First R&O amends part 63 by adding a new reporting requirement. To determine whether equivalent resale opportunities exist with a particular country, an applicant seeking authorization under section 214 of the Communications Act to resell international private line for the purposes of providing a basic telecommunications service to a particular country must demonstrate that the country affords resale opportunities equivalent to those available under U.S. law. An applicant can satisfy this requirement by including in its section 214 application: (1) a statement that the FCC has publicly determined that equivalent resale opportunities exist between the U.S.A. and the subject country; or (2) other evidence demonstrating that equivalent resale opportunities exist between the U.S.A. and the foreign country, including any relevant bilateral agreements between the administrations involved. The First R&O also amends § 43.51 to require that carriers file with the FCC any agreement for the interconnection of private lines to the public switched network (PSN). Section 43.51 is currently approved under OMB control number 3060–0169. The information will be used by FCC staff to ensure that the Commission policies are being adhered to and to monitor the international accounting rates to ensure that the public interest is being served and also to enforce Commission policies.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–1687 Filed 1–23–92; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

January 13, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3225 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0447.

Title: Section 25.134, Licensing Provisions of Very Small Aperture Terminal (VSAT) Networks.

Action: Revised collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 10 responses; 120 hours average burden per response; 1,200 hours total annual burden.

Needs and Uses: Several applicants petitioned the Commission to increase the power density limits by varying amounts, up to ten times higher than currently licensed systems. As a result, the Commission initiated this rulemaking, in CC Docket No. 90–291, to consider, among other things, the petitioners requests and to standardize and codify the technical showings for applicants seeking high power operations. The FCC sought comment on whether a general increase in power density limits is warranted and recommended to bifurcate the universe

of possible VSAT applicants into Category 1 and Category 2 applicants. Essentially, Category 1 applicants would file applications for digital and analog VSAT facilities consistent with the VSAT Order and the Declaratory Order. Category 2 applicants would file applications for digital and analog facilities inconsistent with those Orders. The Notice proposed to impose additional requirements on Category 2 applicants. VSAT applicants seeking higher power densities (Category 2 applicants) are required to conduct an engineering analysis using the Sharp, Adjacent Satellite Interference Analysis (ASIA) program. Applicants must submit a complete description of the baseline parameters program's output detailing potential interference shortfalls. Category 2 applicants are also required to submit a narrative summary which must indicate whether there are margin shortfalls in any of the current baseline services as a result of the addition of the new applicant's high power service, and if so, how the applicant intends to resolve those margin shortfalls. A link budget analysis of the operations proposed along with detailed written explanation of how each uplink and each transmitted satellite carrier density figure is derived must be provided. Applicants must provide proof by affidavit that all potentially affected parties acknowledge and do not object the use of the applicant's higher power density. Category 2 licensees bear the burden for coordinating with future Category 1 applicants or licensees.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-1688 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

January 15, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0059.

Title: Statement Regarding the Importation of Radio Frequency Devices Capable of Causing Harmful Interference.

Form Number: FCC Form 740.

Action: Revised collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 496,500 responses; .030 hours average burden per response; 15,102 hours total annual burden.

Needs and Uses: Radio frequency (RF) devices are frequently imported in the United States from other countries. RF devices are capable of causing harmful interference to radio systems in the U.S. (Examples of RF devices include: microwave ovens, virtually any product containing a computer microprocessor, computers and computer peripherals, telephones with memory or other advanced features, video cameras and recorders, transmitters and transceivers, most receivers including television receivers, electronic musical instruments, video games and radio remote control toys.) The FCC Form 740 declaration is submitted to the Commission and the U.S. Customs Service upon importation of RF devices. The information collected describes devices being imported that may be harmful to authorized radio frequency so that the FCC, with the assistance of Customs, can carry out this responsibility. Recently adopted rule changes reduce the number and types of devices for which the import declaration is required. The changes in the types of equipment requiring declarations along with full implementation of electronic filing will result in a decrease in the number of paper forms submitted by an estimated 80-90%. The purpose of this collection is to keep noncompliant devices from being distributed to the general public thereby reducing the potential for harmful interference being caused to authorized communications. When a violation is discovered, the FCC can issue a fine or request U.S. Customs Service to issue redelivery notice to importer. If the importer does not redeliver the radio frequency devices to Customs, the importer is subject to fines imposed by the U.S. Customs Service.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-1689 Filed 1-23-92; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications, one for modification of the facilities of an existing noncommercial FM station and one for a new noncommercial FM station:

Applicant	City/state	File No.	MM docket No.
A. Dry Prong Educational Broadcasting Foundation	Dry Prong, LA	BPED-900305MF	92-2
B. Missionary Action Projects	Alexandria, LA	BPED-900905MK	

Issue heading	Applicants
1. Education Qualifications	B
2. Environmental Impact	A,B
3. 307(b)—Noncommercial Educational	A,B
4. Contingent Comparative—Noncommercial Education	A,B
5. Ultimate	A,B

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for

inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (telephone 202–452–1422).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 92–1814 Filed 1–23–92; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for renewal of license of Station WYLR(FM) (95.9 MHz), Glens Falls, New York; and for a construction permit for a new FM station on 95.9 MHz at Glens Falls, New York:

Applicant	City/State	File No.	MM Docket No.
A. Normandy Broadcasting Corp. (renewal of WYLR(FM)	Glens Falls, NY	BRH–910129UR	92–6
B. Lawrence N. Brandt (new FM station)	Glens Falls, NY	BPH–910430MB	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine whether there is a reasonable possibility that the tower height and location proposed by Brandt would constitute a hazard to air navigation.

(b) If a final decision is rendered in the Queensbury, New York, proceeding (MM Docket No. 90–181) in which it is determined that Normandy lacks the basic qualifications to be a Commission permittee or licensee, to determine the effect(s) thereof on Normandy's basic qualifications to remain the licensee of Station WYLR(FM), Glens Falls, New York.

(c) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

3. A copy of the complete Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 92–1815 Filed 1–23–92; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; South Europe/U.S.A. Freight Conference et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 206–011200–002.

Title: Mediterranean Interconference Agreement.

Parties: South Europe/U.S.A. Freight Conference, U.S. Atlantic & Gulf/Western Mediterranean Rate Agreement.

Synopsis: The proposed amendment would add a new provision to the agreement authority which will provide that the parties may meet, discuss, and agree with respect to the joint negotiation and execution of a contract for the purchase of a computer information system and services, including but not limited to the conversion of their respective tariffs to the ATFI format.

Agreement No.: 224–200011–002.

Title: Philadelphia Regional Port Authority/Seagate Corporation.

Parties: Philadelphia Regional Port Authority, Seagate Corporation.

Synopsis: This Agreement, filed January 13, 1991, amends and restates the original agreement to make changes in the lease payment calculations, the terms of the lease and other matters on a prospective basis.

Agreement No.: 224–200164–004.

Title: Port of Oakland/Compagnie Maritime Belge Terminal Use Agreement.

Parties: Port of Oakland, Compagnie Maritime Belge ("CMB N.V.").

Synopsis: The Agreement, filed January 13, 1991, provides that the Board of Port Commissioners of the City of Oakland consents to the transfer by CMB N.V. of its interest in the original agreement to its subsidiary CMB TRANSPORT N.V.

Agreement No.: 224–200429–002.

Title: Port of Seattle/Stevedoring Services of America Lease Agreement.

Parties: Port of Seattle, Stevedoring Services of America.

Synopsis: This agreement, filed January 13, 1991, terminates the Lease at Terminal 42 effective November 30, 1991 pursuant to conditions appearing in the Basic Lease.

Agreement No.: 224–200602.

Title: Port of Portland/Neptune Orient Line/Nippon Yusen Kaisha Preferential Use Agreement.

Parties: Port of Portland ("Port"), Neptune Orient Line, Ltd. ("NOL"), Nippon Yusen Kaisha, Ltd. ("NYK").

Synopsis: This Agreement, filed January 13, 1991, provides that in return for NOL and NYK agreeing to call at the Port for a minimum of 68 vessel calls per year and provide a minimum number of containers per year, the Port will provide preferential use of a container yard area, a vessel berth and two container cranes.

Agreement No.: 224–200604.

Title: Port of Portland/Star Shipping Terminal Agreement.

Parties: Port of Portland, Star Shipping A/S.

Synopsis: This Agreement, filed January 13, 1991, provides that in consideration of Star Shipping's agreeing to use the Port of Portland as its designated Pacific Northwest port for specific services and for a minimum revenue guarantee of $600,000 per year, the Port of Portland will share wharfage and dockage revenue with Star Shipping.

By Order of the Federal Maritime Commission.

Dated: January 17, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-1700 Filed 1-23-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Heritage Financial Services, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 13, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Heritage Financial Services, Inc., Clarksville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Heritage Bank, Clarksville, Tennessee.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Hinsbrook Bancshares, Inc., Willowbrook, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Hinsbrook Bank and Trust, Willowbrook, Illinois.

2. Swisher Bankshares, Inc., Swisher, Iowa; to become a bank holding company by acquiring 82.6 percent of the voting shares of Swisher Trust and Savings Bank, Swisher, Iowa.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Ohio County Community Bancshares, Inc., Hartford, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Hartford Bank and Trust Company, Hartford, Kentucky.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Rio Blanco Holding Company, Rangely, Colorado; to become a bank holding company by acquiring 90.4 percent of the voting shares of Rio Blanco State Bank, Rangely, Colorado.

Board of Governors of the Federal Reserve System, January 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-1702 Filed 1-23-92; 8:45 am]

BILLING CODE 6210-01-F

Lowell Moen, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 13, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Lowell Moen, Gary, Minnesota; to acquire an additional 33.94 percent of the voting shares of Oppegard Agency, Inc., Moorhead, Minnesota, for a total of 44.75 percent.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Phillip C. Light, co-trustee of the C.M. Light Testamentary Trust, Turpin, Oklahoma; to acquire 38.7 percent of the voting shares of United Bank of Kansas, Inc., Liberal, Kansas, and thereby indirectly acquire Peoples National Bank, Liberal, Kansas.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Chesley Pruet, El Dorado, Arkansas; to acquire an additional 12.43 percent of the voting shares of Continental National Bancshares, Inc., El Paso, Texas, for a total of 24.85 percent, and thereby indirectly acquire Continental National Bank, El Paso, Texas.

Board of Governors of the Federal Reserve System, January 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-1703 Filed 1-23-92; 8:45 am]

BILLING CODE 6210-01-F

USBANCORP, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 13, 1992.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. USBANCORP, Inc., Johnstown, Pennsylvania; to acquire Community Bancorp, Inc., Monroeville, Pennsylvania, and thereby engage in operating a savings association pursuant to § 225.25(b)(9); and making consumer loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the Commonwealth of Pennsylvania.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. BB&T Financial Corporation, Wilson, North Carolina; to acquire Peoples Federal Savings Bank of Thomasville, Thomasville, North Carolina, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-1704 Filed 1-23-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. C-3358]

First Brands Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the Connecticut manufacturer of Glad plastic bags from representing that any of its plastic bags offer any environmental benefits when disposed of as trash in a sanitary landfill, unless the respondent has a reasonable basis consisting of competent and reliable scientific evidence that substantiates such representations.

DATES: Complaint and Order issued January 3, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S-4002, Washington, DC 20580. (202) 326-3158.

SUPPLEMENTARY INFORMATION: On Wednesday, October 23, 1991, there was published in the **Federal Register**, 56 FR 54863, a proposed consent agreement with analysis In the Matter of First Brands Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 91-1744 Filed 1-23-92; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3355]

Southbank IPA, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Florida association and its 23 obstetrician/gynecologist members to dissolve Southbank IPA and Southbank Health Care Corp.; prohibits each physician respondent from entering into any agreement with any other physician respondent or any competing physician to fix, stabilize, or tamper with any fee, price, or other aspect or term associated with any physician's services; and prohibits the physician respondents from dealing with any third-party payor on collectively determined terms.

DATES: Complaint and Order issued December 20, 1991.[1]

FOR FURTHER INFORMATION CONTACT: David Narrow, Linda Blumenreich, or Kathleen Kenyon, FTC/S-3115, Washington, DC 20580. (202) 326-2744, 326-2751, or 326-2429.

SUPPLEMENTARY INFORMATION: On Wednesday, October 9, 1991, there was published in the **Federal Register**, 56 FR 50912, a proposed consent agreement with analysis In the Matter of Southbank IPA, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments have been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92-1745 Filed 1-23-92; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[G-91-4]

Delegation of Authority to the Secretary of the Treasury

Pursuant to the authority vested in me by section 3726 of title 31, United States Code, I have determined that it is both cost-effective and in the public interest to delegate expanded authority to the Secretary of the Treasury to enable regional fiscal offices to conduct prepayment audits of transportation vouchers relating to the movement of freight and passengers. The prepayment audits are subject to the provisions of the Federal Property Management Regulations, Title 41, Code of Federal Regulations, Subpart 101-41, and amendments thereto. The prepayment audits will be conducted by a General Services Administration (GSA) contractor, at the contractor's site. Any of the Department of the Treasury, Internal Revenue Service's regional fiscal offices, in addition to the Headquarters payment office in Washington, DC, may participate in this program. The Department of the

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

Treasury has identified the following offices to conduct such audits:

Regional Fiscal Offices:

Internal Revenue Service, Regional Fiscal Management Branch, 90 Church Street, New York, NY 10007.
Internal Revenue Service, Regional Fiscal Management Branch, 841 Chestnut Street, 2nd Floor, Philadelphia, PA 19107.
Internal Revenue Service, Regional Fiscal Management Branch, 401 W. Peachtree Street, Stop 162–R, Atlanta, GA 30365.
Internal Revenue Service, Regional Fiscal Management Branch, 1650 Mission Street, Rm 402, San Francisco, CA 94103.
Internal Revenue Service, Regional Fiscal Management Branch, 4050 Alpha Road, Stop 1320 SWRO, Dallas TX 74244–4121.
Internal Revenue Service, Regional Fiscal Management Branch, 300 S. Riverside Drive, Chicago, IL 60606–6683.

Headquarters:

Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

The Secretary of the Treasury may redelegate this authority to any officer, official, or employee of the Internal Revenue Service.

The Secretary of the Treasury shall notify GSA in writing of these additional delegations and their basis. This delegation is effective upon publication in the **Federal Register.**

Dated: December 27, 1991.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92–1778 Filed 1–23–92; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Announcement Number 123]

National Institute for Occupational Safety and Health; Grants for Education Programs in Occupational Safety and Health; Availability of Funds for Fiscal Year 1993

Introduction

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), announces the expected availability of funds in Fiscal Year 1993 for training grants in occupational safety and health. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering a copy of Healthy People 2000, see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under section 21(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670[a][1]). Regulations applicable to this program are in 42 CFR part 86, "Grants for Education Programs in Occupational Safety and Health."

Eligible Applicants

Any public or private educational or training agency or institution that has demonstrated competency in the occupational safety and health field and is located in a state, the District of Columbia, or U.S Territory is eligible to apply for a training grant.

Availability of Funds and Recipient Activities

Funds in the total approximate amount of $11,500,000 are expected to be available in Fiscal Year 1993.

Approximately $10,600,000 of the total funds available are expected to be utilized as follows:

1. To award approximately 12 non-competing continuation and two competing continuation Educational Resource Center (ERC) training grants totaling approximately $8,400,000 and ranging from approximately $400,000 to $800,000 with the average award being approximately $600,000 (for specific activities refer to **Federal Register** Announcement, 51 FR 32963, September 17, 1986);

2. To award approximately 22 non-competing continuation and eight competing continuation long-term training project grants (TPG) totaling $2,200,000 and ranging from approximately $10,000 to $500,000, with the average award being $60,000, to support academic programs in the fields of industrial hygiene, occupational health nursing, occupational/industrial medicine, and occupational safety (for specific activities refer to **Federal Register** Announcement, 52 FR 3172, February 2, 1987); and

3. To conduct the peer review and evaluations of all new, competing, continuation, and supplemental applications received.

Awards will be made for a 1- to 5-year project period with an annual budget period. Funding estimates may vary and are subject to change. Non-competing continuation awards within the approved project periods will be made on the basis of satisfactory progress and the availability of funds.

In addition, approximately $600,000 of the total funds available will be awarded to ERCs to support the development and presentation of continuing education and short courses for professionals engaged in the management of hazardous substances. These funds were provided to NIOSH through an Interagency Agreement with the National Institute for Environmental Health Sciences as authorized by section 209(b) of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (100 STAT. 1708–1710). The hazardous substance training funds are being used to supplement previous hazardous substance continuing education grant support provided to the ERCs in FY 1984 and 1985 under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 for the ERC continuing education program (for specific activities refer to the **Federal Register** Announcement, 51 FR 32963, September 17, 1986). Program support is available for faculty and staff salaries, and other costs to provide occupational safety and health training to practicing professionals in state and local health and environmental agencies and other professional personnel engaged in the evaluation, management, and handling of hazardous substances. The policies regarding project periods also apply to these activities.

Approximately $247,000 of the total funds available will be awarded to ERCs to support the development of specialized educational programs in agricultural safety and health within the existing core disciplines of industrial hygiene, occupational medicine, occupational health nursing, and occupational safety (for specific activities refer to **Federal Register** Announcement, 51 FR 32963, September 17, 1986). Program support is available for faculty and staff salaries, trainee costs, and other costs to educate professionals in agricultural safety and health.

Purpose

The objective of this grant program is to award funds to eligible institutions or agencies to assist in providing an adequate supply of qualified professional and para-professional occupational safety and health

personnel to carry out the purposes of the Occupational Safety and Health Act.

Review and Evaluation Criteria

In reviewing ERC grant applications, consideration will be given to:

1. Needs assessment directed to the overall contribution of the training program toward meeting the job market, especially within the applicant's region, for qualified personnel to carry out the purposes of the Occupational Safety and Health Act of 1970. The needs assessment should consider the regional requirements for outreach, continuing education, information dissemination, and special industrial or community training needs that may be peculiar to the region.

2. Plan to satisfy the regional needs for training in the areas outlined by the application, including projected enrollment, recruitment and current workforce populations. The need for supporting students in allied disciplines must be specifically justified in terms of user community requirements.

3. The extent to which arrangements for day-to-day management, allocation of funds and cooperative arrangements are designed to effectively achieve Characteristics of an Educational Resource Center (**Federal Register** Announcement, 51 FR 32963, September 17, 1986).

4. The extent which curriculum content and design includes formalized training objectives, minimal course content to achieve certificate or degree, course descriptions, course sequence, additional related courses open to occupational safety and health students, time devoted to lecture, laboratory and field experience, and the nature of specific field and clinical experiences including their relationships with didactic programs in the educational process.

5. Academic training including the number of full-time and part-time students and graduates for each core program, the placement of graduates, employment history, and their current location by type of institution (academic, industry, labor, etc.). Previous continuing education training in each discipline and outreach activity and assistance to groups within the ERC region.

6. Methods in use or proposed methods for evaluating the effectiveness of training and services including the use of placement services and feedback mechanisms from graduates as well as employers, critiques from continuing education courses, and reports from consultations and cooperative activities with other universities, professional associations, and other outside agencies.

7. The competence, experience, and training of the Center Director, the Deputy Center Director, the Program Directors, and other professional staff in relation to the type and scope of training and education involved.

8. Institutional commitment to Center goals.

9. Academic and physical environment in which the training will be conducted, including access to appropriate occupational settings.

10. Appropriateness of the budget required to support each academic component of the ERC program, including a separate budget for the academic staff's time and effort in continuing education and outreach.

11. Evidence of a plan describing the research and research training the Center proposes including goals, elements of the program, research faculty and amount of effort, support faculty, facilities and equipment available and needed, and methods for implementing and evaluating the program.

12. Evidence of success in attaining outside support to supplement the ERC grant funds including other federal grants, support from states and other public agencies, and support from the private sector including grants from foundations and corporate endowments, chairs, and gifts.

In reviewing long-term TPG applications, consideration will be given to:

1. The need for training in the program area outlined by the application. This should include documentation of ability and a plan for student recruitment, projected enrollment, job opportunities, regional/national need both in quality and quantity, and similar programs, if any, within the geographic area.

2. The potential contribution of the project toward meeting the needs for graduate or specialized training in occupational safety and health.

3. Curriculum content and design which should include formalized program objectives, minimal course content to achieve certificate or degree, course sequence, related courses open to students, time devoted to lecture, laboratory and field experience, nature and the interrelationship of these educational approaches.

4. Previous records of training in this or related areas, including placement of graduates.

5. Methods proposed to evaluate effectiveness of the training.

6. Degree of institutional commitment: Is grant support necessary for program initiation or continuation? Will support gradually be assumed? Is there related instruction that will go on with or without the grant?

7. Adequacy of facilities (classrooms, laboratories, library services, books, and journal holdings relevant to the program, and access to appropriate occupational settings).

8. The competence, experience, training, time commitment to the program and availability of faculty to advise students, faculty/student ratio, and teaching loads of the program director and teaching faculty in relation to the type and scope of training involved.

9. Admission Requirements: Student selection standards and procedures, student performance standards, and student counseling services.

10. Advisory Committee (if established): Membership, industries, and labor groups represented; how often they meet; whom they advise; and role in designing curriculum and establishing program need.

Funding Allocation Criteria

For Educational Resource Center grants, the following criteria will be considered in determining funding allocations:

1. Academic core programs.

a. Budget to support programs primarily for personnel and other personnel-related costs. Advanced (doctoral and post-doctoral) and specialty (master's) programs will be considered.

b. Budget to support programs based on program quality and need. Factors considered include faculty commitment/breadth, faculty reputation/strength, national/regional manpower needs, unique program contribution, interdisciplinary interaction, and technical merit.

c. Budget to support students based on the program level and the number of students supported.

2. Center administration. Budget to support Center administration to assure coordination and promotion of academic programs.

3. Continuing education/outreach program. Budget to support outreach and continuing education activities to prepare, distribute, and conduct short courses, seminars, and workshops.

4. Research training programs. Budget to support research training programs to establish a research base within the core disciplines and for the training of researchers in occupational safety and health.

5. Hazardous substance training programs. Budget to support the development and presentation of continuing education courses for

professionals engaged in the management of hazardous substances.

6. Agricultural safety and health academic programs. Budget to support the development and presentation of specialized academic programs and continuing education courses in agricultural safety and health.

For Long-Term Training Project grants, the following factors will be considered in determining funding allocations:

Academic core programs.

1. Budget to support programs primarily for personnel and other personnel-related costs. Advanced (doctoral and post-doctoral), specialty (master's), and baccalaureate/associate programs will be considered.

2. Budget to support programs based on program quality and need. Factors considered include faculty commitment/breadth, faculty reputation/strength, national/regional manpower needs, unique program contribution, interdisciplinary interaction, and technical merit.

3. Budget to support students based on the program level and the number of students supported.

Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance Number is 93.263.

Executive Order 12372 Review

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Application Submission and Deadline

Applications should be clearly identified as an application for an Occupational Safety and Health Long-Term Training Project Grant or ERC Training Grant. The submission schedule is as follows:

New, Competing Continuation & Supplemental Receipt Date: July 1, 1992.

An original and two copies of new, competing continuation and supplemental applications (Form CDC 2.145A ERC or TPG) should be submitted to: Henry S. Cassell III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

a. Received on/or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications: Applications which do not meet the criteria in 1.a. or b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Non-Competing Continuation Receipt Date: November 15, 1992.

An original and two copies of non-competing continuation applications (Form CDC 2.145B ERC to TPG) should be submitted to: Henry S. Cassell III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305.

Where to Obtain Additional Information

To receive additional written information call (404) 332-4561. You will be asked to leave your name, address, and phone number, and will need to refer to Announcement Number 123. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Adrienne McCloud, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 842-6630. Programmatic technical assistance may be obtained from John T. Talty, Chief, Educational Resource Development Branch, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, (513) 533-8253.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325 (Telephone (202) 783-3238).

Dated: January 17, 1992.

Larry W. Sparks,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control.

[FR Doc. 92-1735 Filed 1-23-92; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 92N-0028]

Drug Export; Fentanyl Citrate Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Lyphomed, Division of Fujisawa USA, Inc., has filed an application requesting approval for the export of the human drug Fentanyl Citrate Injection to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Lyphomed, Division of Fujisawa USA, Inc., 2045 North Cornell Ave., Melrose Park, IL 60160-1002, has filed an application requesting approval for the export of the drug Fentanyl Citrate Injection to Canada. The drug is used as a narcotic analgesic adjunct to anaesthesia. The application was received and filed in the Center for Drug Evaluation and Research on December

11, 1991, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by February 3, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: January 17, 1992.

Sammie R. Young,

Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92-1824 Filed 1-23-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0029]

Drug Export; Bulk Drug Substance Code 5032 (Silicone-Coated Superparamagnetic Iron Oxide)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Advanced Magnetics, Inc., has filed an application requesting approval for the export of the human bulk drug substance Code 5032 (silicone-coated superparamagnetic iron oxide) to France.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Advanced Magnetics, Inc., 61 Mooney St., Cambridge, MA 02138-1038, has filed an application requesting approval for the export of the bulk drug substance Code 5032 (silicone-coated superparamagnetic iron oxide) to France. This drug is used as an oral Magnetic Resonance Imaging contrast agent. The application was received and filed in the Center for Drug Evaluation and Research on December 23, 1991, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by February 3, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: January 17, 1992.

Sammie R. Young,

Deputy Director.

[FR Doc. 92-1823 Filed 1-23-92; 8:45 am]

BILLING CODE 4160-01-M

Food and Drug Administration Advisory Committee; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETING: The following advisory committee meeting is announced:

Fertility and Maternal Health Drugs Advisory Committee

Date, Time and Place

February 14, 1992, 9 a.m., Parklawn Bldg., Conference rms. D & E, 5600 Fishers Lane, Rockville, MD.

Type of Meeting and Contact Person

Open public hearing, February 14, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; Philip A. Corfman, Center for Drug Evaluation and Research (HFD-510), Food and Drug Administration, 5600 Fisher, Lane, Rockville, MD 20857, 301-443-3510.

General Function of the Committee

The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the practice of obstetrics and gynecology.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before January 31, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open Committee Discussion

The committee will discuss the acceptability and design of clinical trials of hormone replacement therapy in women who have been treated for breast cancer.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) and open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Docket Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: January 21, 1992

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 92–1821 Filed 1–23–92; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETING: The following advisory committee meeting is announced:

Drug Abuse Advisory Committee

Date, Time, and Place

February 27 and 28, 1992, 9 a.m., Conference Rm. D, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

Type of Meeting and Contact Person

Open public hearing, February 27, 1992, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; closed committee deliberations February 28, 1992, 9 a.m. to 5 p.m.; Khairy W. Malek, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3610.

General Function of the Committee

The committee advises on the scientific and medical evaluation of information gathered by the Department of Health and Human Services and the Department of Justice on the safety, efficacy, and abuse potential of drugs and recommends actions to be taken on the marketing, investigation, and control of such drugs.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 21, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open Committee Discussion

On February 27, 1992, the committee will discuss: (1) Updated postmarketing surveillance related to drug abuse of new drug application (NDA) NDA 19–082, Dalgan (dezocine), Astra Pharmaceuticals, (2) abuse liability assessment of NDA 19–908, Ambien (zolpidem tartrate), Lorex Pharmaceuticals, and (3) current issues related to procedures and methodology for abuse liability assessment and evaluating medications for treatment of drug abuse (guidelines and memorandum of understanding).

Closed Committee Deliberations

On February 28, 1992, the committee will review trade secret or confidential commercial information relevant to current investigational new drug applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson

determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, as the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative session to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: January 21, 1992.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 92–1822 Filed 1–23–92; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1992.

Name: National Advisory Council on the National Health Service Corps

Date and Time: February 16–18, 1992, 8:30 a.m.–5 p.m.

Place: Sheraton Hotel, 310 Padre Boulevard, South Padre Island, Texas 78597. The meeting is open to the public.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provision of the legislation.

Agenda: The agenda will include a Bureau and Division update; issues pertaining to environmental, living conditions, low birth weights and infant mortality relevant to the area; health manpower, and malpractice issues. Tuesday, February 18, we will leave the hotel via bus at 7:30 a.m. to begin our site visits. The Council will visit the Brownsville Community Health Center, in Brownsville, Texas, the South Texas Allied Health Education Center and Su Clinica in Harlingen.

The meeting is open to the public, however, no transportation will be provided to the site visits.

Anyone requiring information regarding the subject Council should contact Anna Mae Voigt, National Advisory Council on the National Health Service Corps, Room 7A–39, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–1470.

Agenda Items are subject to change as priorities dictate.

Dated: January 21, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92–1825 Filed 1–23–92; 8:45 am]

BILLING CODE 4160–15–M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of

information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on January 17, 1992.

(Call Reports Clearance Officer on (301) 965–4149 for copies of package)

1. Government Pension Questionnaire—0960.0160. The information collected on the form SSA–3885 is used to determine whether an individual's Social Security benefit will be reduced. The respondents are individuals applying for Social Security benefits and, also, receiving or qualified to receive a Government pension.

Number of Respondents: 76,000.

Frequency of Response: 1.

Average Burden per Response: 5 minutes.

Estimated Annual Burden: 6,333 hours.

2. Student's Statement Regarding Resumption of School Attendance—0960.0143. The information collected on the form SSA–1386 is used to verify the full-time attendance of a student beneficiary. The respondents are student beneficiaries and educational institutions.

Number of Respondents: 133,000.

Frequency of Response: 1.

Average Burden per Response: 6 minutes.

Estimated Annual Burden: 13,300 hours.

3. Summary Evidence—0960.0430. The information collected on the form SSA–887 is used to provide a list of the medical/vocational reports pertaining to the claimant's disability. This list is critical to and used in the hearing process. The respondents are the State Disability Determination Staffs.

Number of Respondents: 54.

Frequency of Response: 201.

Average Burden per Response: 15 minutes.

Estimated Annual Burden: 2,714 hours.

OMB Desk Officer: Laura Oliven.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: January 17, 1992.

Ron Compston,

Social Security Administration Reports Clearance Officer.

[FR Doc. 92–1684 Filed 1–23–92; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–92–3378]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 16, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Energy Conservation Requirements of Chapter 12, Handbook 4350.1 Appendix 1, Energy Conservation.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Owners are to review, annually, the Energy Conservation Plan to effect energy conservation measures and to notify the Department that they are in compliance with the Plan.

Form Number: None.

Respondents: Businesses or Other For-Profit and Non-Profit Institutions.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
First Year Survey and Plan	9,600		1		10		96,000
Subsequent Years Survey and Plan	9,600		1		3		28,800
Recordkeeping	9,600		1		.05		480

Total Estimated Burden Hours: 125,280.

Status: Reinstatement.

Contact: James J. Tahash, HUD, (202) 708–3944, Jennifer Main, OMB, (202) 395–6880.

Dated: January 16, 1992.

[FR Doc. 92–1719 Filed 1–23–92; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–92–3379]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 17, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Quarterly Survey of Mortgage-Related Security Investments (Pension Fund Survey).

Office: Housing.

Description of the Need for the Information and its Proposed Use: This survey provides the only source of information on the extent of the mortgage market by monitoring how institutions respond to changes in Federal Regulations. The data is used for Federal planning.

Form Number: None.

Respondents: State or Local Governments and Businesses or Other For-Profit.

Frequency of Submission: Quarterly.

Reporting Burden:

	Number of respondents x	Frequency of response x	Hours per response =	Burden hours
Survey	798	4	.25	798

Total Estimated Burden Hours: 798.

Status: Extension.

Contact: James B. Mitchell, HUD, (202) 708–4325, Henry C. Newan, HUD, (202) 708–4325, Jennifer Main, OMB, (202) 395–6880.

Dated: January 17, 1992.

[FR Doc. 92–1720 Filed 1–23–92; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–92–1917; FR–2934–N–62]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs,

or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the dte of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Corps of Engineers: Bob Swieconek, Army Corps of Engineers, Civilian Facilities, room 5138, 20 Massachusetts Ave. NW., Washington, DC 20314–1000; (202) 272–1750; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366–4246; (These are not toll-free numbers).

Dated: January 17, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program, Federal Register Report for 01/24/92

Suitable/Available Properties

Buildings (by State)

Colorado

Kendall House, Bear Creek Lake
Hwy 8 or Morrison Rd.
Lakewood Co: Jefferson CO 80201–
Location: 2 mi. west of Kipling Intersection
Landholding Agency: COE
Property Number: 319140001
Status: Excess
Comment: 2400 sq. ft., 2 story with basement, needs rehab, presence of asbestos, off-site use only

Indiana

Bldg. 01, Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140002
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only

Bldg. 02, Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140003
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only

Land (by State)

Kentucky

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Landholding Agency: COE
Property Number: 319140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements

Tennessee

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140008
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Landholding Agency: COE
Property Number: 319140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements

Texas

Parts of Tracts
B–143, B–144, B–146, B–148, B–179
Downstream of Lewisville Dam embankment
Lewisville Co: Denton TX 75067–
Location: Along State Hwy 121
Landholding Agency: COE
Property Number: 319140015
Status: Underutilized
Comment: approx. 92.81 acres in 3 parcels, most recent use—wildlife and low density recreation

Suitable/Available Properties

Buildings (by State)

Tennessee

Transiet Quarters
Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140005
Status: Unutilized
Comment: 1400 sq. ft., concrete block, possible security restrictions, subject to existing easements

Land (by State)

Oklahoma

45 acre parcel, Sardis Lake
SE¼ NE¼ Section 4, T 2 N, R 18 E
Co: Pushmataha OK 74521–
Landholding Agency: COE
Property Number: 319140004
Status: Excess
Comment: approx. 45 acres, most recent use—fish and wildlife conservation

Suitable/To Be Excessed

Land (by State)

Texas

Part of Tract 102 Segment 1
Bardwell Dam Road
Ennis Co.: Ellis, TX 75119–
Landholding Agency: COE
Property Number: 319140014
Status: Unutilized
Comment: approx. 4.5 acres

Unsuitable Properties

Buildings (by State)

California

4 Bldgs., Loran Station
Johnston Island
APO San Francisco, CA (Sand Island)
Johnston Atoll CA 96305–5000
Property Number: 879210004
Status: Excess
Reason: Secured Area

Hawaii

9 Bldgs., Loran Station
Kure Island
FPO San Fancisco, CA
Co: Honolulu HI 96619–0006
Landholding Agency: DOT
Property Number: 879210005
Status: Excess
Reason: Secured Area

Barracks/Recreation Bldg.
Loran Station Upolu Point
Box 2
Hawi Co: Hawaii HI 96719–0002
Landholding Agency: DOT
Property Number: 879210006
Status: Excess
Reason: Secured Area

Transmitter Bldg.
Loran Station Upolu Point
Hawi Co: Hawaii HI 96719–0002
Landholding Agency: DOT
Property Number: 879210007
Status: Excess
Reason: Secured Area

Tennessee

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140011
Status: Excess
Reason: Other
Comment: Water treatment plant

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140012
Status: Excess
Reason: Other
Comment: Water treatment plant

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreation Area, Hwy No. 53
Livingston Co: Clay TN 38351
Landholding Agency: COE
Property Number: 319140013
Status: Excess
Reason: Other
Comment: Water treatment plant

Washington

Bldg. #1, USCG Support Center
1519 Alaskan Way South
Seattle Co: King WA 98134–
Landholding Agency: DOT
Property Number: 879210003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material Secured Area

[FR Doc. 92–1722 Filed 1–23–92; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–968–4230–15; AA–6704–B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to Ahtna, Incorporated for the village of Tazlina, for 13.3 acres. The lands involved are in the vicinity of Glennallen, Alaska in T. 4 N., R. 2 W., Copper River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 (907) 271–5690.

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until February 24, 1992 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Jenice Prutz,

Acting Chief, Branch of Cook Inlet and Ahtna Adjudication.

[FR Doc. 92–1777 Filed 1–23–92; 8:45 am]
BILLING CODE 4310–84–M

California Desert District Grazing Advisory Board Meeting

AGENCY: United States Department of the Interior, Bureau of Land Management.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579, title IV, section 403, that a public meeting of the California Desert District Grazing Advisory Board will be held on Wednesday, February 19, 1992 from 10 a.m. to 4 p.m. in the Lake Mead conference room of the Flamingo Hilton, 1900 South Casino Drive, Laughlin, Nevada 89028.

The agenda for the meeting will include:

—Range management perspectives by Resource Area;
—Grazing management in riparian areas;
—Development of rangeland improvements;
—Review of the status of allotment management plans;
—Field review of sheep grazing operations;
—An update on sheep and cattle section 7 consultation packages.

The meeting is open to the public, with time allotted for public comment after each agenda subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District Office, 6221 Box Springs Boulevard, Riverside, California 92507, and will be available there for public inspection during regular business hours—7:45 a.m. to 4:30 p.m. (p.s.t.)—within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, California Desert District Office, Larry Morgan, 6221 Box Springs Boulevard, Riverside, California 92507, (714) 697–5370.

Dated: January 16, 1992.

Alan Stein,

Acting, District Manager.

[FR Doc. 92–1773 Filed 1–23–92; 8:45 am]
BILLING CODE 4310–40–M

[ID–010–02–4320–02–ADVB]

AGENCY: Boise District, Bureau of Land Management, Idaho.

ACTION: Notice of Meeting.

SUMMARY: The Boise District Grazing Advisory Board will meet on Wednesday, February 19, 1992, to discuss the proposed expenditure of Grazing Advisory Board (7121) funds for Fiscal Year 1992. The meeting is open to the public and a comment period will be held at 2 p.m..

DATES: The meeting will begin at 9 a.m. on Wednesday, February 19, 1992, in the district office conference room.

ADDRESSES: The Boise District Office is located at 3948 Development Avenue, Boise, Idaho, 83705.

FOR FURTHER INFORMATION CONTACT: Fred Schley, Boise District, BLM, (208)384–3457.

Dated: January 14, 1992.

Rodger E. Schmitt,

Associate District Manager.

[FR Doc. 92–1775 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–GG–M

[CO–010–02–4320–02]

Craig Colorado Advisory Council Meeting

Time and Date: 10 a.m., February 19, 1992.

Place: BLM—Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

Status: Open to public; interested persons may make oral statements at 10:30 a.m. Summary minutes of the meeting will be maintained in the Craig District Office.

Matters to be Considered:

1. Recreation Permits and Carrying Capacity in the Yampa Valley.
2. Spring field trip.
3. Effectiveness of the Council.
4. Election of Officers.

Contact Person for More Information: Mary Pressley, Craig District Office, 455 Emerson Street, Craig, Colorado 81625–1129.

Dated: January 14, 1992.

William J. Pulford,

District Manager.

[FR Doc. 92–1784 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–JB–M

Iditarod National Historical Trail Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 90–543 that a meeting of the Iditarod National Historic Trail Advisory Council will be held to discuss rights-way and trail administration and management issues.

DATES: Beginning 9 a.m. on February 20, 1992 and concluding February 21, 1992 at 5 p.m.

ADDRESSES: Bureau of Land Management, Anchorage District Office, 6881 Abbott Loop, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Danielle Allen, Public Affairs Specialist, Anchorage District, Bureau of Land Management, 6881 Abbott Loop, Anchorage, Alaska 99507, (907) 267–1258.

SUPPLEMENTARY INFORMATION: The agenda for the meeting is as follows:

1. Introductions and opening remarks.
2. Review of previous meetings' minutes.
3. Trail Management Issues.
4. Discussion.
5. Adjourn.

The meeting is open to the public, interested persons can make oral statements to the Council between 10 a.m.–11 a.m. on February 21, 1992.

Richard J. Vernimen,

Anchorage District Manager.

[FR Doc. 92–1731 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–JA–M

[ES–940–02–4111–11–241A; MSES 43159]

Mississippi: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease MSES 43159, Smith County, Mississippi, was timely filed and was accompanied by all required rentals and royalties accruing from June 1, 1991, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16-⅔ percent, respectively. Payment of a $500 administrative fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188 (d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective June 1, 1991 subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Gina Goodwin at (703) 461–1516.

Dated: January 16, 1992.

Larry Hamilton,

Acting State Director.

[FR Doc. 92–1770 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–84–M

[AZ–020–02–4212–13; AZA–26359]

Realty Action; Exchange of Public Land; Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange.

SUMMARY: The Bureau of Land Management proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership and the acquisition of unique natural resource lands. All or part of the following described federal lands are being considered for disposal via exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. The final determination on disposal will be made upon completion of the environmental assessment.

Gila and Salt River Base and Meridian, Mohave County, Arizona

Township 20 North, Range 17 West

sec. 4, Lots 1, 5–10, S½;
sec. 5, Lots 3–6, 11, 12;
sec. 6,, Lots 1–5, 8, 11–14, 19–33, 36–46, SE¼;
sec. 8, Lots 1–4, E½, SE¼NW¼, E½SW¼;
sec. 9, NW¼NE¼, W½SW¼, SE¼SW¼;
sec. 17, E½E½, W½NE¼, W½;
sec. 18, Lots 21, 24, 25, 27, 30, SE¼SE¼;
sec. 20, all;
sec. 30, Lots 21, 24, 25, 28, E¼.

Comprising 4611.06 acres, more or less.

In accordance with the regulations of 43 CFR 2201.1, publication of this Notice will segregate the affected public land from appropriation under the public land laws, except exchange pursuant to section 206 of the Federal land Policy and Management Act of 1976. The segregative effect shall also exclude appropriation of the subject public land under the mining laws, subject to valid existing rights.

The segregation of the above-described land shall terminate upon issuance of a document conveying title to such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: January 14, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92–1772 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–32–M

[CA-010-01-4212-13, CACA-29421PT]

Realty Action: Exchange of Public and Private Lands in Sacramento County, California

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The following described private land is being considered for acquisition through exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

OFFERED PRIVATE LAND:

Private lands located within:
T.5N., R.5E., MDM
Sections 15,16, 21, 22, 23, 27
Sacramento County, California
Containing 1099.64 Acres, more or less.
APN: 146-0131-001
146-0200-008
146-0200-010
146-0210-011
146-0210-012
146-0210-013
146-0210-014
146-0330-003

The above described land lies contiguous to a portion of the northern boundary of the existing Cosumnes River Preserve in Sacramento County. The parcel will be acquired by the Nature Conservancy who will transfer title to the Bureau of Land Management in exchange for public lands of approximately equal value, found suitable for disposal.

The public lands being considered for exchange have been identified in Notices of Realty Action previously published in the **Federal Register**.

ADDRESS: For a period of 45 days from publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, c/o Area Manager, Folsom Resource Area, 63 Natoma Street, Folsom, Ca. 95630.

FOR ADDITIONAL INFORMATION: Contact Dean Decker, (916) 985-4474 or at the address above.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire non-Federal land adjacent to the Cosumnes River Preserve, currently jointly managed by the Nature Conservancy and Ducks Unlimited. These lands have been identified for acquisition and protection by the Joint Venture implementation Board to contribute to the objectives of the Central Valley Habitat Joint Venture, and through it the North American Waterfowl Management Plan. This acquisition will serve the public interest by providing the opportunity for the protection and development of seasonably and permanent wetlands and riparian forests, pursuant to BLM's Wildlife 2000 Program.

Dated: January 16, 1992.

David N. Harris,

Acting Area Manager.

[FR Doc. 92-1768 Filed 1-23-92; 8:45 am]

BILLING CODE 4310-40-M

[CA-010-4212-14; CACA 29457]

Realty Action (CACA 29457); Direct Sale of Public Land, Nevada County, CA

AGENCY: Department of Interior, Bureau of Land Management.

SUMMARY: The following described public land is being considered for direct sale pursuant to Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713):

Mount Diablo Meridian, California

T. 16N., R. 9E.,
Sec. 18: lot 20.
Comprising .74 acres, more or less.

The above tract is a wedge-shaped remnant of public land that lacks public access. It is surrounded entirely by private property, most of which is owned by Mr. and Mrs. Richard Chapman. The .74-acre remnant would be sold as an inholding to the Chapmans at fair market value. An additional $50.00 non-returnable mineral conveyance processing fee is required.

The tract would be transferred subject to a reservation to the United States for a right-of-way for ditches and canals constructed under the authority of the Act of August 20, 1890 (43 U.S.C. 945). All necessary clearances including clearances for archeology, rare plants and animals would be completed prior to any conveyance of title by the U.S. The proposal is consistent with the Bureau's land use plans which supports the disposal of small isolated tracts when practical.

The above described land is hereby segregated from settlement, location and entry under the public land laws and the mining laws for a period of 270 days from the date of publication of this notice in the **Federal Register**.

ADDRESSES: For a period of 45 days from publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, c/o Folsom Resource Area Manager, 63 Natoma Street, Folsom, California 95630.

FOR ADDITIONAL INFORMATION: Contact Mike Kelley at (916) 985-4474 or at the address above.

David N. Harris,

Acting Area Manager.

[FR Doc. 92-1776 Filed 1-23-92; 8:45 am]

BILLING CODE 4310-40-M

[CO-050-4212-13]

Realty Action; COC-53540 Exchange of Private Lands in Park and Fremont Counties for Public Lands in Boulder, Fremont and Park Counties, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, COC-53540 Exchange of Private Lands in Park and Fremont Counties for Public Lands in Boulder, Fremont and Park Counties, Colorado.

SUMMARY: The following public land has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T.9S., R.75W., Sixth P.m.
Section 29: W½NE¼
Section 33: W½NW¼, NW¼SW¼
T.12S., R.73W.
Section 18: Lot 5
Section 19: Lots 1, 2, 3, and 4
T.12S., R.74W.
Section 24: SE¼NW¼, NW¼SE¼
T.12S., R.76W.
Section 18: E½SE¼
T.13S., R.73W.
Section 2: NW¼SE¼
Section 8: N½NE¼
Section 12: SE¼SE¼
T.13S., R.72W.
Section 19: Lots 1, 2 and 3, SE¼NW¼,
T.16S., R.72W.
Section 6: Lot 14
T.17S., R.73W.
Section 2: SW¼NE¼
T.1N., R.71W.
Section 18: Lots 72 & 79, NE¼SW¼(M&B)
Section 19: (M&B)
T.47N., R.12E., N.M.P.M.
Section 28: SW¼SW¼
T.49N., R.11E.
Section 1: Lot 6
Section 2: Lots 5 and 12
Section 4: Lots 12 and 15
T.49N., R.12E.
Section 4: Lot 5
Section 18: NW¼NE¼
T.50N., R.11E.
Section 34: SW¼SW¼
T.50N., R.12E.
Section 32: Tr. 119
Containing 1,221.78 acres.

In exchange for these lands, the United States will acquire the following private land from Shepard and Associates:

T.16S., R.72W., Sixth P.M.

Section 6: S½SE¼
Section 7: NE¼ and M&B Parcel
T.15S., R.73W.
Section 25: S½NW¼, SW¼
Section 26: NE¼SE¼, S½SE¼
Section 35: All
T.16S., R.73W.
Section 2: Lots 2 and 7
Containing 1,390.00 acres.

The purpose of the exchange is to obtain private land containing important riparian, wildlife, recreation and other public values, while disposing of scattered parcels of public land which are scattered, difficult to manage tracts without public access. The proposed exchange is consistent with the objectives of the land use plan for the affected lands.

Any differences in the appraised values of the offered and selected lands will be equalized through acreage adjustments or cash payment.

DATES: On or before March 9, 1992, interested parties may submit written comments to the Canon City District Manager.

ADDRESS: Bureau of Land Management, Canon City District, P.O. Box 2200, Canon City, CO 81215–2200.

FOR FURTHER INFORMATION CONTACT: Stu Parker, (719) 275–0631.

SUPPLEMENTARY INFORMATION: The exchange will involve both the surface and subsurface estates and will be subject to valid existing rights on both the offered and selected lands. This notice segregates the public lands described above from entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, for 2 years from publication or until patent issues. Any adverse comments will be evaluated by the District Manager who may vacate, modify, or continue this realty action and issue a final determination.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 92–1769 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–JB–M

[ES–030–2–4212–18; MIES–043236]

Realty Actions, Sales, Leases, Etc.; MI

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Sale of public land in Chippewa County, Michigan—modified competitive method; correction.

SUMMARY: This notice corrects the public notice previously published in the **Federal Register** on December 31, 1991 (56 FR 67626) for the sale of public land in Chippewa County, Michigan by the modified competitive method.

The following paragraph was erroneously omitted by BLM and is hereby added to that notice at the end of the second paragraph, column one, page 67627:

(2) There is no legal access to the parcel because it is landlocked by the adjacent parcel to the north. There is physical access to the parcel by boat.

As a result of this correction, the following corrections are made in the previously published notice:

1. The public land described in that notice will remain segregated from appropriation under the public lands laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this correction in the **Federal Register**, whichever occurs first.

2. The date of the public auction will be changed to April 20, 1992. The time and location of the public auction remain unchanged: 10 a.m. c.s.t. at the Reuss Federal Plaza, suite 225, West Tower, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

3. All sealed bids must be submitted to BLM at the above address not later than 3 p.m. c.s.t. on April 17, 1992.

4. Bid envelopes must be marked on the lower left front corner with MIES–043236 and April 20, 1992.

5. The public comment period will be extended to March 9, 1992. Until that date, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201–0631.

FOR FURTHER INFORMATION CONTACT: Duane Marti, Realty Specialist, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201–0631; telephone number (414) 297–4429 or (FTS) 362–4429.

Gary D. Bauer,

District Manager.

[FR Doc. 92–1594 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–GJ–M

[ID–943–4314–11; IDI–15557]

Notice of Proposed Continuation of Withdrawal; ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that six withdrawals, consisting of 2,579.92 acres in the Minidoka Project, be continued for an additional 14 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

DATE: Comments should be received by April 23, 1992.

ADDRESS: Comments should be sent to State Director, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, (208) 384–3162.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, (208) 384–3162.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that portions of the existing land withdrawals made by the Secretarial Orders of January 22, 1907, July 3, 1907, September 27, 1909, February 14, 1910, May 4, 1910, and March 14, 1912, be continued for a period of 14 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Boise Meridian

T. 9 S., R. 23 E.,
sec. 23, S½NE¼, W½NW¼ and SE¼ NW¼.
T. 9 S., R. 24 E.,
sec. 6, S½NE¼SE¼ and SE¼SE¼.
T. 8 S., R. 25 E.,
sec. 35, SW¼NE¼, SE¼NW¼ and SE¼.
T. 10 S., R. 25 E.,
sec. 30, N½NW¼SE¼NW¼.
T. 6 S., R. 26 E.,
sec. 7, lots 3 and 4 and E½SW¼;
sec. 9, E½;
sec. 10;
sec. 11;
sec. 12, S½.

The areas described aggregate 2,579.92 acres in Minidoka and Cassia Counties.

The purpose of the withdrawals is to protect the Minidoka Project. The withdrawals segregate the land from settlement, sale, location, and entry, including location and entry under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations, may present their views in writing to Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and, if

so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: January 14, 1992.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 92-1766 Filed 1-23-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-4214-10; IDI-28824]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw 40 acres of National Forest System lands for protection of a dam, powerhouse and access road. This notice closes the lands for up to 2 years from location and entry under the United States mining laws. The lands will remain open to all other uses which may be made of National Forest System lands.

DATE: Comments and requests for meeting should be received on or before April 23, 1992.

ADDRESS: Comments and meeting requests should be sent to the Idaho State Director, BLM, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION: Larry Lievsay, BLM, Idaho State Office, (208) 384-3166.

SUPPLEMENTARY INFORMATION: On January 8, 1992, the United States Department of Agriculture filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Boise Meridian

Boise National Forest
T. 5 N., R. 11 E.,
sec. 5, lot 8.

The area described contains 40 acres in Elmore County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Idaho State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are presently authorized leases, licenses, permits, rights-of-way, etc.

Dated: January 14, 1992.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 92-1767 Filed 1-23-92; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Caldwell Schools, Inc., PRT-764264, Tyler, TX

The applicant requests a permit to purchase one female captive-born ocelot (*Felis pardalis*) in interstate commerce from the Salisbury Zoo, Salisbury, Maryland, for breeding purposes.

Applicant: Stan P. Lukasik, PRT-764261, Lowell, IN

The applicant requests a permit to import two male and two female captive-hatched white-eared pheasants (*Crossoptilon crossoptilon*) from South View Aviaries, Burnaby B.C., Canada, for breeding purposes.

Applicant: Wayne Gross, PRT-764698, Danville, CA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by M. J. D'Alton, Kosiers Kraal, Bredasdrop, Republic of South Africa, for the purpose of enhancement of survival of the species.

Applicant: Bucky Steele, PRT-763924, Jefferson, TX

The applicant requests a permit to import one captive born male Asian elephant (*Elephus maximus*) from the African Lion Safari, Cambridge, Ontario, Canada, for enhancement of survival through conservation education.

Applicant: San Diego Zoological Society, PRT-76955, San Diego, CA

The applicant requests a multiple import permit for blood and skin biopsy specimens collected from captive born Przewalski's horses (*Equus przewalskii*) at various institutions. The samples will be used for scientific research in conjunction with species conservation efforts.

Applicant: Willie's Wildlife Zoo, PRT-764952, Brandon, WI

The applicant requests an interstate commerce permit to purchase one captive born male leopard (*Panthera pardus*), from J. Witchey of Ohio, for breeding purposes.

Applicant: Gary Johnson, PRT-764195, Perris, CA

The applicant requests an interstate commerce permit to purchase one female Asian elephant (*Elephus maximus*), "Duchess", from International Animal Exchange of Ferndale, Michigan, for educational purposes.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: 17 January 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-1685 Filed 1-23-92; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

City of Buena Vista, Glen Maury Park; Environmental Assessment

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to prepare an Environmental Assessment for a proposed conversion pursuant to Section 6(f)(3) of the Land and Water Conservation Fund Act in Glen Maury Park—City of Buena Vista, VA.

SUMMARY: In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91–190, the National Park Service (NPS) is preparing an environmental assessment to determine the impacts of a coal conveyor system and related steam and water services for nearby industries. This proposed conveyor installation will traverse a wooded ravine through Glen Maury Park from the Maury River to the adjacent uplands. A range of alternatives will be formulated for protecting the various park natural and environmental resources, and recreation/activities.

Persons wishing to provide input to the environmental evaluation pertaining to this conversion request should address comments to the Regional Director, Mid-Atlantic Regional Office, National Park Service, 143 South Third Street, Phila., PA 19106. Comments should be received no later than 30 days from the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Earle D. Whitney, Planning and Grants Assistance Division at the above address, telephone (215) 597–2578.

Charles P. Clapper, Jr.,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 92–1611 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–70–M

Bureau of Land Management

Transfer of Administrative Jurisdiction, Chaco Culture National Historical Park

Certain lands and/or interests therein have been reconveyed to the Bureau of Land Management within the boundaries of Chaco Culture National Historical Park. Notice is hereby given that pursuant to the provisions of Public Law 96–550, sections 504 and 506, 94 Stat. 3228–3229, administrative jurisdiction is now in the National Park Service, subject to applicable laws and regulations.

The lands and/or interests affected by this notice include fee interests in 7,756.52 acres, more or less, reconveyed to the Bureau of Land Management. Of the lands and/or interests acquired, 4,697.01 acres were formerly owned by the Navajo Tribe as fee lands and 3,059.51 acres were held as Tribal trust lands.

Maps and legal descriptions of the specific tracts within the Chaco Culture National Historical Park may be reviewed at the Office of the Regional Director, National Park Service, Southwest Region, 1100 Old Santa Fe Trail, Santa FE, New Mexico 87501, and at the Office of the National Park Service, Land Resources Division, 1100 L Street, NW, Washington, DC 20004.

Dated: December 19, 1991.

John E. Cook,

Regional Director, National Park Service.

Dated: December 14, 1991.

Concurred with by:

Larry L. Woodard,

State Director, Bureau of Land Management.

[FR Doc. 92–1810 Filed 1–23–92; 8:45 am]

BILLING CODE 4310–10–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: January 21, 1992.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquires and correspondence should be addressed (4), are published here for interested person. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, DC 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC.

(1) Harvest States Cooperatives.

(2) P.O. Box 64594, St. Paul, MN 55164.

(3) 1667 N. Snelling Ave., St. Paul, MN 55108.

(4) Allen J. Anderson, P.O. Box 64594, St. Paul, MN 55164.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–1750 Filed 1–23–92; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31986]

Notice of Exemption; SPCSL Corp.—Trackage Rights Exemption—the Belt Railway Co. of Chicago

The Belt Railway Company of Chicago (BRC) has agreed to grant SPCSL Corp. overhead trackage rights in Chicago, IL over the Elsdon Branch, between the 55th Street Interlocking Plant and Lawndale Avenue, so that BRC may access Consolidated Rail Corporation's Ashland Avenue Yard. The trackage rights were to become effective on or after January 25, 1992.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on Gary A. Laakso, SPCSL Corp., One Market Plaza, room 846, San Francisco, CA 94105.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected pursuant to Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Dated: January 16, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–1746 Filed 1–23–92; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 388 (Sub-No. 27)]

Intrastate Rail Rate Authority—Oregon

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional recertification.

SUMMARY: The State of Oregon has filed its application for recertification with the Commission. Pursuant to *State Intrastate Rail Rate Authority*, 5 I.C.C. 2d 680, 685 (1989), the Commission provisionally recertifies the State of Oregon to regulate intrastate rail rates, classifications, rules and practices. After completing its review, the Commission will issue a decision approving

recertification or taking other appropriate action.

DATES: This provisional recertification will be effective on January 24, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660 (TDD for hearing impaired: (202) 927–5721).

Decided: January 16, 1992.

By the Commission, David K. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–1748 Filed 1–23–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) the title of the form/collection;

(2) the agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) how often the form must be filled out or the information is collected;

(4) who will be asked or required to respond, as well as a brief abstract;

(5) an estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) an estimate of the total public burden (in hours) associated with the collection; and,

(7) an indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Import/Export Declaration: Precursor and Essential Chemicals.

(2) DEA Form 486, Drug Enforcement Administration.

(3) On occasion.

(4) Individuals or households, businesses or other for-profit, small businesses or organizations. The Chemical Diversion and Trafficking Act of 1988 requires those who import/export certain chemicals to notify the DEA 15 days prior to shipment. Information will be used to prevent shipments not intended for legitimate purposes.

(5) 1,800 annual responses at .20 hours per response.

(6) 360 annual burden hours.

(7) Not applicable under 3504(h).

(1) Report of Suspicious Orders or Theft/Loss of Listed Chemicals/Machines.

(2) None, Drug Enforcement Administration.

(3) On occasion.

(4) Individuals or households, business or other for-profit, small businesses or organizations. The Chemical Diversion and Trafficking Act of 1988 requires regulated persons to report suspicious orders or theft/loss of listed chemicals/tableting and encapsulating machines to the DEA in order to prevent clandestine manufacture of a controlled substance.

(5) 300 annual responses at .17 hours per response.

(6) 51 annual burden hours.

(7) Not applicable under 3504(h).

(1) Records and Reports of Registrants: Changes in Record Requirements for Individual Practitioners.

(2) None, Drug Enforcement Administration.

(3) On occasion.

(4) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations.

(5) 500 annual responses at .5 hours per response.

(6) 250 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92–1795 Filed 1–23–92; 8:45 am]

BILLING CODE 4410–09–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(i), notice is hereby given that on December 30, 1991, a proposed consent decree in *United States of America* v. *Allied Signal Inc., et al.*, Civil Action No. 91–CV–1471 has been lodged with the United States District Court for the Northern District of New York. The United States' complaint, filed at the same time as the consent decree, sought recovery of response costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) against Allied Signal and twenty-three other corporations responsible for hazardous wastes found at the Clothier site in Granby, New York, a National Priority List facility. The United States' complaint also sought recovery of civil penalties under section 106 of CERCLA against Shell Oil Company ("Shell") for noncompliance with a Unilateral Administrative Order.

The consent decree provides that the defendants will reimburse EPA for $2,525,000 in past response costs incurred by the United States in connection with the Clothier site and that Shell will pay a penalty in the amount of $25,000.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States of America* v. *Allied Signal Inc., et al.*, D.J. Ref. 90–11–3–273A.

The proposed consent decree may be examined at the office of the United States Attorney, 369 Federal Building Syracuse, New York 13260 and at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. The proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202–347–2072). A

copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $3.75 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environmental & Natural Resources Division.

[FR Doc. 92-1694 Filed 1-23-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, as set forth in 28 CFR 50.7, notice is hereby given that a proposed consent decree in *Township of Franklin Sewerage Authority* versus *Middlesex County Utilities Authority*, Civil Action No. 80-4041, has been lodged with the United States District Court for the District of New Jersey as of January 10, 1992. The proposed consent decree concerns violations by three municipalities, the Township of Woodbridge, Borough of Carteret and City of Perth Amboy, of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and prior orders of the Court requiring the connection of sewerage facilities operated by these municipalities to regional sewage treatment facilities operated by the Middlesex County Utilities Authority. In satisfaction of the United States' claims, the municipalities will pay civil penalties.

The United States Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *Township of Franklin Sewerage Authority* versus *Middlesex County Utilities Authority*, DJ No. 90-5-1-6-345A.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of New Jersey, 970 Broad Street, Newark, New Jersey 07102, and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, Fourth Floor, New York, New York 10278. A copy of the proposed consent decree and attachments can be obtained in person or by mail at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, (202) 347-2072. In requesting a copy, please enclose a check in the amount of $2.00 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Roger B. Clegg,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-1695 Filed 1-23-92; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 8, 1992, a proposed consent decree in partial settlement of *United States, et al.*, v. *Montrose Chemical Corporation of California, et al.*, Civil Action No. CV 90-3122-AAH (JRx), was lodged with the United States District Court for the Central District of California. In the First Claim for Relief in the Complaint in that action, the United States seeks damages for injury to natural resources, from several defendants alleged to have released hazardous substances into the marine environment off the coast of Los Angeles. The proposed settlement resolves the First Claim for Relief with respect to two of the named defendants only, Potlatch Corporation, and Simpson Paper Company. Under the terms of the settlement, Potlatch Corporation and Simpson Paper Company will pay a settlement amount of $12 million in three equal payments over a period of four years.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044. Comments should refer to *United States, et al.* v. *Montrose Chemical Corporation of California, et al.*, D.J. Ref. No. 90-11-3-511.

The proposed Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004, telephone (202) 347-2072, at the Office of the United States Attorney, Central District of California, 300 North Los Angeles Street, Los Angeles, CA 90012, and at the offices of the National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731.

A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Document Center. In requesting a copy, please enclose a check in the amount of $7.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-1696 Filed 1-23-92; 8:45 am]

BILLING CODE 4410-01-M

Immigration and Naturalization Service

[INS No. 1400K-92; AG Order No. 1557-92]

Termination of Designation of Kuwait Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of Termination of Designation of Kuwait Under Temporary Protected Status Program.

SUMMARY: Under section 244A of the Immigration and Nationality Act, as amended (8 U.S.C. 1254a) (the "Act"), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible nationals of designated foreign states (or parts thereof) upon a finding that such foreign states are experiencing ongoing civil strife, environmental disaster, or certain other extraordinary and temporary conditions. Pursuant to section 244A(b) of the Act, the designation of Kuwait became effective on March 27, 1991, to remain in effect for 12 months from that date. Attorney General Order No. 1484-91, 50 FR 12745. Section 244A(b)(3) of the Act requires the Attorney General at least 60 days before the end of the initial period of designation to review the conditions in a Temporary Protected Status designated state after consultation with appropriate agencies of the United States Government. In this order, the Attorney General, pursuant to section 244A(b)(3), determines that conditions in Kuwait no longer meet the standards for designation under the Temporary Protected Status program, and therefore gives notice that the designation of Kuwait will terminate on March 27, 1992.

EFFECTIVE DATES: The termination of Temporary Protected Status designation for Kuwait is effective March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Charney, Senior Immigration Examiner, Immigration & Naturalization Service, 425 I Street, NW., room 5250.

Washington, DC 20536, telephone (202) 514–5014.

Notice of Termination of Temporary Protected Status Designation for Kuwait

By the authority vested in me under section 244A of the Immigration and Nationality Act, as amended, and as Attorney General, I find after consultation with the appropriate agencies of the United States Government, that the extraordinary and temporary conditions found to exist in Kuwait on March 27, 1991, are not presently in existence, in that substantial progress has been made toward the rebuilding of Kuwait society so that the temporary impediments to safe return posed on March 27, 1991, by the immediate aftermath of the Iraqi occupation and the subsequent military conflict no longer remain.

Accordingly, it is ordered that the designation of Kuwait for temporary protected status is terminated effective as indicated above.

Dated: January 20, 1992.

William P. Barr,

Attorney General.

[FR Doc. 92–1800 Filed 1–23–92; 8:45 am]

BILLING CODE 4410–01–M

Immigration And Naturalization Service

[INS No. 1400LEB–92; AG Order No. 1559–92]

Extension of Designation of Lebanon Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: Under section 244A of the Immigration and Nationality Act, as amended (8 U.S.C. 1254a) (the "Act"), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible nationals of designated foreign states (or parts thereof) upon a finding that such foreign states are experiencing ongoing civil strife, environmental disaster, or certain other extraordinary and temporary conditions. Under section 304(b)(1) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Public Law 102–232, 105 Stat. 1733, December 12, 1991 ("the Technical Amendments"), an alien having no nationality is also eligible for benefits under the Temporary Protected Status Program if he or she last habitually resided in a designated state. On March 27, 1991, the Attorney General designated Lebanon for Temporary Protected Status for a period of 12 months. Order No. 1485–91, 50 FR 12746. This notice extends the designation of Lebanon under the Temporary Protected Status program for an additional 12 months, in accordance with section 244A(b)(3) (A) and (C) of the Act.

This notice also makes clear that eligibility for Temporary Protected Status is granted not only to nationals of Lebanon but also to persons having no nationality who last habitually resided in Lebanon, and provides a special additional 6 month registration period for aliens having no nationality who last habitually resided in Lebanon, who have continuously resided and been continuously present in the United States since March 27, 1991, and who have not applied for Temporary Protected Status during the original period of designation. This special registration period is provided in recognition of the fact that aliens having no nationality were ineligible for Temporary Protected Status prior to the effective date of the Technical Amendments, and therefore were unable to apply for such status during most of the original period of designation.

EFFECTIVE DATE: This designation is effective on March 28, 1992, and will remain in effect until March 28, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Charney, Senior Immigration Examiner, Immigration and Naturalization Service, room 5250, 425 I Street, NW, Washington, DC 20536, telephone (202) 514–5014.

Notice of Extension of Designation of Lebanon Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Act, and pursuant to section 244A (b)(3) (A) and (C) of the Act, I find that there still exist extraordinary and temporary conditions in Lebanon that prevent aliens who are nationals of Lebanon, and aliens having no nationality who last habitually resided in Lebanon, from returning to Lebanon in safety, as a result of the continued armed conflict in that nation. The Attorney General further finds that permitting nationals of Lebanon, and aliens having no nationality who last habitually resided in Lebanon, to remain temporarily in the United States is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) The designation of Lebanon under section 244A(b) of the Act is extended for an additional 12 month period from March 28, 1992, to March 28, 1993.

(2) I estimate that there are no more than 7500 Lebanese nationals, and aliens having no nationality who last habitually resided in Lebanon, who are currently in nonimmigrant or unlawful status, eligible for Temporary Protected Status.

(3) Except as specifically provided in this notice, an application for Temporary Protected Status during the extended period of designation provided by this notice must be filed pursuant to the provisions of 8 CFR part 240.

(4) A national of Lebanon, or an alien having no nationality who last habitually resided in Lebanon, who was granted Temporary Protected Status during the 12-month period of designation that began on March 27, 1991, must file a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the thirty (30) day period prior to the one-year anniversary of the original grant of Temporary Protected Status to such alien in order to be eligible for Temporary Protected Status during the period between such anniversary and March 28, 1993.

(5) An Application for Temporary Protected Status, Form I–821, filed during the period of extended designation by a national of Lebanon, or an alien having no nationality who last habitually resided in Lebanon, who has been granted Temporary Protected Status during the 12-month period of designation that began on March 27, 1991, will be without fee.

(6) Any alien having no nationality who last habitually resided in Lebanon, who has been continuously physically present and has continuously resided in the United States since March 27, 1991, and who did not apply for Temporary Protected Status within the 12-month period of designation that began on March 27, 1991, may apply for Temporary Protected Status at any time during the special registration period from March 28, 1992, to September 28, 1992, by filing an Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765.

(7) A fee of fifty dollars ($50.00) will be charged for each Application for Temporary Protected Status, Form I–821, filed during the special registration period by an alien who is eligible for registration during that period.

(8) The fee prescribed in 8 CFR 103.7(b)(1) will be charged for each Application for Employment Authorization, Form I–765, filed by an

alien requesting employment authorization pursuant to the provision of paragraph (4) or of paragraph (6) of this notice. An alien who does not request employment authorization must file Form I–765 together with Form I–821 for information purposes, but in such cases Form I–765 will be without fee.

(9) Pursuant to section 244A(b)(3) of the Act, the designation of Lebanon under the Temporary Protected Status Program shall be reviewed again at least 60 days before the end of this extended period of designation, and of any subsequent extended period of designation, to determine whether the conditions for such designation continue to exist. Notice of each such determination, including the basis for the determination, shall be published in the **Federal Register**.

(10) Information concerning Temporary Protected Status for nationals of Lebanon, and aliens having no nationality who last habitually resided in Lebanon, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: January 20, 1992.

William P. Barr,

Attorney General.

[FR Doc. 92–1798 Filed 1–23–92; 8:45 am]

BILLING CODE 4410–01–M

[INS No. 1400LIB–92; AG Order No. 1558–92]

Extension of Designation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: Under section 244A of the Immigration and Naturalization Act, as amended (8 U.S.C. 1254a) (the "Act"), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible nationals of designated foreign states (or parts thereof) upon a finding that such foreign states are experiencing ongoing civil strife, environmental disaster, or certain other extraordinary and temporary conditions. Under section 304(b)(1) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991, Pub. L. 102–232, 105 Stat. 1733, December 12, 1991 ("the Technical Amendments"), an alien having no nationality is also eligible for benefits under the Temporary Protected Status Program if he or she last habitually resided in a designated state. On March 27, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months. Order No. 1483–91, 50 FR 12746. This notice extends the designation of Liberia under the Temporary Protected Status program for an additional 12 months, in accordance with section 244A(b)(3) (A) and (C) of the Act.

This notice also makes clear that eligibility for Temporary Protected Status is granted not only to nationals of Liberia but also to persons having no nationality who last habitually resided in Liberia, and provides a special additional 6 month registration period for aliens having no nationality who last habitually resided in Liberia, who have continuously resided and been continuously present in the United States since March 27, 1991, and who have not applied for Temporary Protected Status during the original period of designation. This special registration period is provided in recognition of the fact that aliens having no nationality were ineligible for Temporary Protected Status prior to the effective date of the Technical Amendments, and therefore were unable to apply for such status during most of the original period of designation.

EFFECTIVE DATES: This designation is effective on March 28, 1992, and will remain in effect until March 28, 1993.

FOR FURTHER INFORMATION CONTACT: Janet Charney, Senior Immigration Examiner, Immigration and Naturalization Service, room 5250, 425 I Street NW., Washington, DC 20536, telephone (202) 514–5014.

Notice of Extension of Designation of Liberia Under Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Act and pursuant to section 244A(b)(3)(A) and (C) of the Act, I find that there still exist extraordinary and temporary conditions in Liberia that prevent aliens who are nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, from returning to Liberia in safety, as a result of the ongoing armed conflict in that nation. The Attorney General further finds that permitting nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, to remain temporarily in the United States is not contrary to the national interest of the United States. Accordingly, it is ordered as follows:

(1) The designation of Liberia under section 244A(b) of the Act is extended for an additional 12 month period from March 28, 1992, to March 28, 1993.

(2) I estimate that there are no more than 5,000 Liberian nationals, and aliens having no nationality who last habitually resided in Liberia, who are currently in nonimmigrant or unlawful status, eligible for Temporary Protected Status.

(3) Except as specifically provided in this notice, an application for Temporary Protected Status during the extended period of designation provided by this notice must be filed pursuant to the provisions of 8 CFR part 240.

(4) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who was granted Temporary Protected Status during the 12 month period of designation that began on March 27, 1991, must file a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the thirty (30) day period prior to the one-year anniversary of the original grant of Temporary Protected Status to such alien in order to be eligible for Temporary Protected Status during the period between such anniversary and March 28, 1993.

(5) An Application for Temporary Protected Status, Form I–821, filed during the period of extended designation by a national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who has been granted Temporary Protected Status during the 12 month period of designation that began on March 27, 1991, will be without fee.

(6) Any alien having no nationality who last habitually resided in Liberia, who has been continuously physically present and has continuously resided in the United States since March 27, 1991, and who did not apply for Temporary Protected Status within the 12 month period of designation that began on March 27, 1991, may apply for Temporary Protected Status at any time during the special registration period from March 28, 1992, to September 28, 1992, by filing an Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765.

(7) A fee of fifty dollars ($50.00) will be charged for each Application for Temporary Protected Status, Form I–821, filed during the special registration period by an alien who is eligible for registration during that period.

(8) The fee prescribed in 8 CFR 103.7(b)(1) will be charged for each

Application for Employment Authorization, Form I–765, filed by an alien requesting employment authorization pursuant to the provision of paragraph (4) or of paragraph (6) of this notice. An alien who does not request employment authorization must file Form I–765 together with Form I–821 for information purposes, but in such cases Form I–765 will be without fee.

(9) Pursuant to section 244A(b)(3) of the Act, the designation of Liberia under the Temporary Protected Status Program shall be reviewed again at least 60 days before the end of this extended period of designation, and of any subsequent extended period of designation, to determine whether the conditions for such designation continue to exist. Notice of each such determination, including the basis for the determination, shall be published in the **Federal Register**.

(10) Information concerning Temporary Protected Status for nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: January 20, 1992.

William P. Barr,

Attorney General.

[FR Doc. 92–1799 Filed 1–23–92; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 523–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

New

Employment Standards Administration

Claim for Reimbursement—Assisted Reemployment.

CA–2231.

Quarterly.

State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations.

180 respondents; 360 total hours; 30 min. per response.

1 form.

To aid the vocational rehabilitation and reemployment of injured, disabled Federal employees. The CA–2231 is the form employers will submit to OWCP to claim reimbursement for wages paid under the Assisted Reemployment demonstration project. The form summarizes terms of employment of injured Federal workers and the amount of wages to be reimbursed to their new employer for a prompt decision on payment, and to expedite project.

Revision

Employment and Training Administration

Business Confidential Data Request: Oil and Gas Drilling and Exploration Oilfield Services.

1205–0272.

ETA 9018.

Form No.	Affected public	Respondents	Frequency	Average time per response
ETA 9018.	Businesses or other for-profit (current)	30	On occasion	45 minutes.
ETA 9018.	Business or other for-profit (current)	270	On occasion	2 hours.
Total hours.				563

Statutory requirements under the Trade Act of 1974 as amended require complete and accurate business confidential data in order to make determinations as to whether imports have contributed to worker separation. The Secretary of Labor's determinations decide if petitioning workers are eligible to apply for worker adjustment assistance.

Trade Adjustment Assistance (TAA Financial Status/Request for Funds Report).

1205–0275.

ETA 9023.

On request.

State or local governments.

50 respondents; 500 total hours; 2 hours per response.

1 Form.

The Department of Labor requires financial data for the Trade Adjustment Assistance (TAA) program administered by States which are not available from the Standard Form 269A. The required data are necessary in order to meet statutory requirements prescribed in Public Law 100-418, Omnibus Trade and Competitiveness Act of 1988.

Extension

Employment Standards Administration

Miner's Claim for Benefits Under the Black Lung Benefits Act; Employment History; Miner Reimbursement Form.

1215-0052.

CM 911; CM 911a; CM 915.

On Occasion.

Individuals or households.

52,700 respondents; 14,533 total hours.

10/40/45 minutes per response.

3 forms.

The CM 911 is the standard application form, filed by the miner, for benefits under the Black Lung Benefits Act. The CM 911a lists the coal miner's work history, and is completed by all applicants, miners and survivors. The CM 915 is used by the miner or survivor for requesting reimbursement of medical expenses incurred and paid by the miner beneficiary.

Signed at Washington, DC this 16th day of January, 1992.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 92-1739 Filed 1-23-92; 8:45 am]

BILLING CODE 4510-27-M

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of the Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" Being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

VOLUME I

Florida:
- FL91-35 (Feb. 22, 1991)..... p. 181, p. 182.
- FL91-36 (Feb. 22, 1991)..... p. p. 185, pp. 186-187.
- FL91-37 (Feb. 22, 1991)..... p. 189, pp. 190-191.
- FL91-38 (Feb. 22, 1991)..... p. 193, pp. 194-195.
- FL91-39 (Feb. 22, 1991)..... p. 197, pp. 198-199.
- FL91-40 (Feb. 22, 1991)..... p. 201, p. 202.
- FL91-42 (Feb. 22, 1991)..... p. 203, p. 204.
- FL91-43 (Feb. 22, 1991)..... p. 205, p. 206.
- FL91-44 (Feb. 22, 1991)..... p. 207, pp. 208-209.

GEORGIA:
- GA91-3 (Feb. 22, 1991)..... p. ALL.
- GA91-4 (Feb. 22, 1991)..... p. All.
- GA91-22 (Feb. 22, 1991).... p. ALL.
- GA91-33 (Feb. 22, 1991).... p. ALL.

KENTUCKY:
- KY91-1 (Feb. 22, 1991)..... p. 309, p. 310.
- KY91-2 (Feb. 22, 1991)..... p. 313, p. 314.
- KY91-3 (Feb. 22, 1991)..... p. 319, 320.
- KY91-4 (Feb. 22, 1991)..... p. 325, p. 326.
- KY91-6 (Feb. 22, 1991)..... p. 337, p. 338.
- KY91-7 (Feb. 22, 1991)..... p. 343, p. 344.
- KY91-29 (Feb. 22, 1991).... p. 403, pp. 404, 409-410.

NEW HAMPSHIRE, NH91-4 (Feb. 22, 1991). p. ALL.

NEW JERSEY, NJ91-3 (Feb. 22, 1991). p. 721, p. 272.

NEW YORK:
- NY91-3 (Feb. 22, 1991)..... p. 797, pp. 798-806.
- NY91-18 (Feb. 22, 1991).... p. 931, pp. 932-934, pp. 936-937.

PENNSYLVANIA, PA91-4 (Feb. 22, 1991). p. 985, pp. 986-988.

TENNESSEE, TN91-1 (Feb. 22, 1991). p. 1189, pp. 1190.

VOLUME II

INDIANA, IN91-6 (Feb. 22, 1991). p. 315, p. 316.

NEBRASKA, NE91-9 (Feb. 22, 1991). p. ALL.

TEXAS:
- TX91-45 (Feb. 22, 1991)..... p. ALL.
- TX91-46 (Feb. 22, 1991)..... p. ALL.

VOLUME III

Arizona, AZ91-3 (Feb. 22, 1991). p. ALL.
CALIFORNIA:
CA91-2 (Feb. 22, 1991)..... p. 45, p. 48.
CA91-4 (Feb. 22, 1991)..... p. 75, pp. 77-112d.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents U.S. Government Printing Office Washington, DC 20402 (202) 783-3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 17th day of January, 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-1681 Filed 1-23-92; 8:45 am]

BILLING CODE 4510-27-M

Mine Safety and Health Administration

Appointment of Advisory Committee Members

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of Appointment of Members to the Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Production (Face) Area at Underground Coal Mines.

This notice announces the appointment of members to the Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Production Area at Underground Coal Mines, established pursuant to the authority contained in sections 101(a) and 102(c) of the Federal Mine Safety and Health Act of 1977, and the Federal Advisory Committee Act.

The membership of the committee and the categories of interest represented are as follows:

Dr. Ragula Bhaskar—Neutral
Ms. Shirley K. Clark—Labor
Mrs. Diane M. Doyle-Coombs—Neutral
Mr. Jack A. Holt—Industry
Dr. Mary Jo Jacobs—Neutral
Dr. Raja V. Ramani—Neutral
Dr. Lee W. Saperstein—Neutral
Mr. Robert Scaramozzino—Labor
Mr. John W. Stevenson—Industry

The members were selected on the basis of their experience and knowledge in mine safety and health. They will serve on the committee until August 1992. Dr. Mary Jo Jacobs will serve as chairperson of the committee.

Dated: January 17, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-1801 Filed 1-23-92; 8:45 am]

BILLING CODE 4510-43-M

LIBRARY OF CONGRESS

American Folklife Center Board of Trustees Meeting

AGENCY: Library of Congress.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Public Law 94-463.

DATES: Friday, February 7, 1992, 9 a.m. to 1 p.m.

ADDRESSES: Dining Room A, Library of Congress, 101 Independence Avenue, SE., Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: Raymond L. Dockstader, Deputy Director, American Folklife Center, Washington, DC 20540.

SUPPLEMENTAL INFORMATION: The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Raymond Dockstader at (202) 707-6590.

The American Folklife Center was created by the U.S. Congress with passage of Public Law 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance and model projects for the field of American folklife.

Rhoda W. Canter,

Associate Librarian for Management.

[FR Doc. 92-1783 Filed 1-23-92; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. (92-04)]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC), Life Sciences Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee, Life Sciences Subcommittee.

DATES: January 28, 1992, 8:30 a.m. to 5 p.m.; and January 29, 1992, 8:30 a.m. to 12:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, room 226, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald J. White, Code SB, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2128).

SUPPLEMENTARY INFORMATION: The Space Science and Applications Advisory Committee consults with and advises the NASA Office of Space Science and Applications (OSSA) on long-range plans for, work in progress on, and accomplishments of NASA's Space Science and Applications programs. The Life Sciences Subcommittee provides advice to the Life Sciences Division concerning all of its programs in the space life sciences.

The Subcommittee will meet to discuss the status of OSSA and life sciences, potential enhancements and initiatives for Fiscal Year 1994, and plans for Discipline Working Groups. The Subcommittee is chaired by Dr. Francis J. Haddy and is composed of 23 members. The meeting will be closed on Tuesday, January 28, 1992, from 8:45 a.m. to 10:45 a.m. to allow for a discussion on qualifications of individuals being considered for membership to the Subcommittee. Such a discussion would invade the privacy of the individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the meeting will be closed to the public for this period of time. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 50 people including members of the Subcommittee). It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

TYPE OF MEETING: Open—except for a closed session as noted in the agenda below.

Agenda:

Tuesday, January 28

8:30 a.m.—Introduction and Chairman's Remarks.
8:45 a.m.—Closed Session.
10:45 a.m.—Life Sciences Status.
11:45 a.m.—Report on Other Advisory Committees.
1:15 p.m.—Office of Space Science and Applications Status.
3:15 p.m.—Preparation for February 12–14, 1992, SSAAC Meeting.
5 p.m.—Adjourn.

Wednesday, January 29

8:30 a.m.—Potential Enhancements and Initiatives for Fiscal Year 1994.
9:45 a.m.—Discussion of Short Version of "A Rationale for the Life Sciences."
10:30 a.m.—Discussion of Plans for Discipline Working Groups.
12:30 p.m.—Adjourn.

Dated: January 17, 1992.

John W. Gaff,

Director, Management Operations Division, National Aeronautics and Space Administration.

[FR Doc. 92–1756 Filed 1–23–92; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on January 31, 1992 from 8:30 a.m. to 4:30 p.m. and February 1 from 9 a.m. to 1 p.m. in room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on January 31 from 8:30 a.m. to 4:30 p.m. and February 1 from 9:30 a.m.–1 p.m. The topics for discussion will include Opening Remarks; a report on the Council Retreat; reports from NASAA, NALAA and regional organizations; an update on Arts Education; a presentation on America 2000 by David T. Kearns, Deputy Secretary of Education; updates on the National Arts Service Organizations Round Table and Staff Working Groups; a report from the Council Agenda Committee; Program Reviews for the Folk Arts, Opera-Musical Theater and Visual Arts Programs; and Guidelines and/or Application Review for the Arts in Education, Dance, Design Arts, Folk Arts, Literature, Locals, Media Arts, Museum, Music, Opera-Musical Theater, Presenting and Commissioning, Policy, Planning, Research and Budget, Theater and Visual Arts Programs.

The remaining portion of this meeting on February 1 from 9 a.m.–9:30 a.m. is for the purpose of reviewing nominations for the National Medal of Arts to be awarded by President Bush sometime in 1992. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to subsections (6) and 9(B) of section 552b of title 5, United States Code.

Also, if in the course of application review it becomes necessary for the Council to discuss non-public financial information about individuals, such as salary information, submitted with grant applications, the council will go into closed session for that limited purpose pursuant to subsection (c)(4) of section 552b of title 5, United States Code. Such closure would be in accordance with the determination of the Chairman of November 20, 1991.

Any interested persons may attend, as observers, Council discussions and reviews which are open to the public.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: January 17, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–1713 Filed 1–23–92; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Meeting

Notice is hereby given that a meeting of the National Arts Service Organizations Round Table will be held on January 30, 1992, from 7:45 p.m.–9:45 p.m. in room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The purpose of this meeting is for information exchange among members of the National Council on the Arts and representatives of national arts service organizations.

Any person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: January 17, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–1714 Filed 1–23–92; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–20541–OM, ASLBP No. 92–658–04–OM]

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the

Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding.

In the Matter of Jose A. Ruiz Carlo

Byproduct Material License No. 52–21350–01

[EA 91–171]

This Board is being established pursuant to the request of Mr. Jose A. Ruiz Carlo, a radiographer who is named as the Assistant Radiation Safety Officer on Byproduct Material License No. 52–21350–01 issued by the Nuclear Regulatory Commission to Alonso & Carus Iron Works, Inc., the Licensee. Mr. Ruiz requests a hearing regarding an Order issued by the Director, Office of Enforcement, dated December 13, 1991, entitled "Order Modifying License (Effective Immediately)" (56 FR 66662, December 24, 1991). The Order modified the license to prohibit the utilization of Mr. Ruiz in certain licensed activities pending further action by the Commission.

An order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Administrative Law Judge Ivan W. Smith, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Administrative Judge Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Administrative Judge Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 16th day of January 1992.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 92–1682 Filed 1–23–92; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30257; File No. SR–Amex–91–34)

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by American Stock Exchange, Inc. Relating to Precedence for Orders to Cross Blocks of 10,000 Shares or More Under Rule 126(g), Commentary .01

January 16, 1992.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 17, 1991, The American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On January 10, 1992, the Amex submitted to the Commission Amendment No. 1 to the proposed rule change replacing certain language to clarify the procedure for establishing the size precedence of orders to cross 10,000 or more shares.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex is proposing to implement procedures under Rule 126(g), Commentary .01 to permit orders to cross blocks of 10,000 shares or more to have precedence over other bids and offers. The following is the text of the proposed rule change (italics denote proposed new language; brackets denote proposed deletions):

Rule 126(g)

* * * Commentary

01. Orders to Cross *10,000* [25,000] shares or more will be permitted to establish precedence based on size so long as the orders are represented at the post when a sale removing all bids and offers from the Floor takes place. Once the precedence of such orders of 10,000 shares or more has been established, the broker handling the cross must then bid and offer the security in accordance with Rules 151 and 152. [without regard to priority of bids and offers.]

II. Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 1989, the Commission approved on a permanent basis Amex Rule 126(g), Commentary .01, which provides that orders to cross 25,000 shares or more will be permitted to establish precedence over other bids and offers.[2] Procedures under Rule 126(g), Commentary .01 permit size precedence for crosses of 25,000 shares or more to be established when no other order has price or time priority. When an order has time priority, a sale removing all bids and offers from the floor must occur before the order to cross can establish parity and then be accorded precedence based on size. Thus, in order to obtain precedence, orders to cross 25,000 shares or more must have been presented at the specialist's post when the sale removing all bids and offers from the floor had taken place. Once size precedence has been established, the broker handling the cross must then bid and offer the security in accordance with Amex Rules 151 and 152.

The Exchange is proposing to reduce from 25,000 to 10,000 shares the minimum size block cross that will be permitted to establish size precedence. The block cross procedures under Rule 126(g) have succeeded in facilitating executions of large size orders on the Amex as one transaction at a single price, without such orders losing shares to other orders in the trading crowd or on the specialist's book due to Exchange priority rules. The Exchange believes it is appropriate to permit block size orders of 10,000 to 25,000 shares to

[1] *See* letter from Geraldine M. Brindisi, Corporate Secretary, Amex, to Mary Revell, Branch Chief, Commission, dated January 10, 1992, amending the text of Commentary .01 to Amex Rule 126(g) to clarify that orders to cross 10,000 shares or more would have size precedence only when no other bid or offer has price or time priority as well as to emphasize that the broker handling the order must execute the cross in accordance with Amex Rules 151 and 152.

[2] See Securities Exchange Act Release No. 26550 (February 15, 1989), 54 FR 7655 (approving File No. SR–Amex–88–30).

establish size precedence. The proposal will bring Amex rules more in line with the New York Stock Exchange ("NYSE") size precedence rules,[3] but the Amex rules will continue to be more conservative than NYSE rules in that size precedence will be accorded only to crosses, and only when such orders involve 10,000 shares or more.[4] In addition, confining the Exchange's size precedence threshold to 10,000 shares will continue to limit the effects of the rule primarily to active, liquid issues.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-91-34 and should be submitted by February 14, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-1706 Filed 1-23-92; 8:45 am]

BILLING CODE 8010-01-M

[3] NYSE Rule 72 affords precedence based on size to simultaneous bids at parity in two instances: (1) Bids equal to or exceeding the amount offered have precedence over bids for less than the size offered; and (2) the largest bids have precedence when all bids are less than the amount offered. This rule is made applicable to offers by Rule 72(II).

[4] Under Amex rules, size precedence will be a factor in determining the sequence of execution only when no other bid or offer has price or time priority.

[Release No. 34-30259; File No. SR-MSRB-91-7]

Self Regulatory Organizations; Order Approving Proposed Rule Change of the Municipal Securities Rulemaking Board Relating to Customer Confirmation Disclosure

January 16, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), on September 6, 1991, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend rule G-15(a) to allow dealers, as an alternative to confirmation disclosure of the source and amount of remuneration received from a party other than the customer in agency transactions, to note on the customer's confirmation whether remuneration has been or will be received and that the source and amount of such remuneration is available upon written request by the customer.[1]

Notice of the proposed rule change was given in Securities Exchange Act Release No. 29740 (October 3, 1991), 56 FR 50146. The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

Currently, rule G-15(a)(ii) requires a dealer effecting a transaction as agent for the customer, or as agent for both the customer and another person, to note on the customer's confirmation (i) either the name of the person from whom the securities were purchased or to whom the securities were sold for the customer, or a statement that this information will be furnished upon the request of the customer, and (ii) the source and amount of any commission or other remuneration received or to be received by the dealer in connection with the transaction.

The proposed amendment to rule G-15(a)(ii) would allow dealers, as an alternative to confirmation disclosure of the source and amount of remuneration received from a party other than the customer in agency transactions, to note on the customer's confirmation whether remuneration has been or will be received and that the source and amount of such remuneration is available upon written request by the customer. The amendment would also require written requests by customers for information regarding the identity of the person from whom the securities were purchased or to whom the securities were sold. The MSRB believes that although Rule 10b-10 under the Act does not apply to municipal securities transactions, the amendment would make rule G-15(a)(ii) consistent with the requirements of that rule.

The Commission finds that approval of this proposed rule change is consistent with the Act and the applicable rules and regulations thereunder and, in particular, with the requirements of section 15(B)(b)(2)(C), in that it is designed to prevent fraudulent and manipulative acts and practices, and foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, That the rule change be, and hereby is approved.

[1] On December 9, 1991, the Commission received a technical amendment from the MSRB that added the word "whether." The word was inadvertently omitted from the original filing. Letter from Jill C. Finder, Assistant General Counsel, Municipal Securities Rulemaking Board, to Richard Cohn, staff attorney, Division of Market Regulation, SEC (December 9, 1991).

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 92-1707 Filed 1-23-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30258; File No. SR-MSRB-91-6]

Self-Regulatory Organizations; Order Approving Proposed Rule Change of the Municipal Securities Rulemaking Board Relating to the Activities of Financial Advisors.

January 16, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), on September 4, 1991, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to require dealers acting as financial advisors for an issue and intending to act as placement agent for the same issue to meet the requirements set forth in rule G-23(d).

Notice of the proposed rule change was given in Securities Exchange Act Release No. 29736 (September 26, 1991), 56 FR 50145. The Commission received no comments on the proposal.[1] This order grants approval of the proposed rule change.

Currently, rule G-23 prohibits a broker or dealer acting as financial advisor for an issue from acquiring any portion of that issue as principal, either alone or in a syndicate, or arranging for such acquisition by a person controlling, controlled by, or under common control with such broker or dealer, unless the requirements of G-23(d) are met. If the issuer sells the issue on a negotiated basis, rule G-23(d)(i) requires the broker or dealer: (1) To terminate its relationship as financial advisor for that issue; (2) to disclose in writing to the issuer, at or before such termination, that there may be a conflict of interest in changing from the capacity of financial advisor to that of purchaser of the securities; (3) to disclose in writing, at or before such termination, the source and anticipated amount of all remuneration to the broker or dealer with respect to the issue; (4) at or after such termination, to obtain the express written consent of the issuer to the acquisition or participation in the purchase; and (5) to obtain from the issuer a written acknowledgement of receipt of these disclosures.

In its present form, rule G-23(d) does not apply to a broker or dealer that acts as both financial advisor and placement agent for a new negotiated issue. The proposed rule change requires a broker or dealer acting as financial advisor for a negotiated issue to meet the requirements set forth in rule G-23(d)(i) if it intends to become the placement agent for that issue.

The MSRB believes that a dealer acting as both financial advisor and placement agent with respect to the same issue faces similar conflicts of interest as a dealer acting as both financial advisor and underwriter for the same issue. The Board believes the same conflict exists because a dealer acting as placement agent performs many of the same functions as an underwriter and receives similar fees. The MSRB further believes that the existence of the conflict of interest is contrary to the fiduciary obligations of municipal securities professionals acting as financial advisors to issuers and is not consistent with the public interest.

The Commission finds that approval of this proposed rule change is consistent with the Act and the rules and regulations thereunder applicable and, in particular, the requirements of section 15B(b)(2)(C), because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and in general, protect investors and the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, That the proposed rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-1708 Filed 1-23-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18489; 811-3962]

Fenimore International Fund Inc.; Deregistration

January 16, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Fenimore International Fund Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: The Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on December 12, 1991, and amended on January 13, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 pm on February 10, 1992, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate or service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549; Applicant, c/o Richard T. Prins, Esq., Skadden, Arps, Slate, Meagher & Flom, 919 Third Avenue, New York, N.Y. 10022.

FOR FURTHER INFORMATION CONTACT: John O'Hanlon, Staff Attorney, at (202) 272-3922, or Max Berueffy, Branch Chief, at (202) 272-3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. The Applicant is an open-end, diversified investment company organized as a corporation under Maryland law. On February 10, 1984, it registered under the Act and filed a registration statement on Form N-1A. The Applicant's registration statement became effective on February 26, 1985, and the Applicant's initial public offering commenced on or about that date. The Applicant originally was a money market fund named "The Benefactors Money Market Fund Inc." In December 1985 and January 1986, the Applicant's shareholders adopted the Applicant's present name and approved the adoption of the Applicant's current investment objective and investment restrictions.

2. On August 14, 1991, the Applicant's Board of Directors approved an

[1] The MSRB solicited comments on the proposed rule change in an exposure draft published in October 1990. The MSRB received three comments on the proposal and addressed those comments in their submission. Exchange Act Release No. 29736 (September 26, 1991), 56 FR 50145.

Agreement and Plan of Reorganization (the "Reorganization Plan") among the Applicant, Smith Barney World Funds, Inc. (the "World Fund") and Smith Barney, Harris Upham & Co. Inc. The Reorganization Plan provided for the sale of all of the Applicant's assets to the World Fund's International Equity Portfolio (the "International Portfolio"). The Board of Directors also approved a Plan of Complete Liquidation and Dissolution of the Fenimore Fund (the "Liquidation Plan").

3. At a Special Meeting of Stockholders held on October 31, 1991, the shareholders of the Equity Series and the Institutional Equity Series approved the Reorganization Plan and the Liquidation Plan.

4. Pursuant to the Reorganization Plan, on November 22, 1991 (the "Closing Date"), the Applicant sold all of the assets of its two outstanding series, the Equity Series and the Institutional Equity Series, to the International Portfolio. Each of the Applicant's shareholders received a number of shares of common stock of the International Portfolio equal in value to his or her pro rata ownership of the shares of the Applicant.

5. On the Closing Date, the Applicant had outstanding 2,614,853.086 shares of Equity Series Common Stock, with a par value of $.01 per share and a net asset value of $13.86 per share. The Equity Series had net assets of $39,009,945.29. The Applicant also had outstanding 527,138.962 shares of Institutional Equity Series Special Stock, with a par value of $.01 per share and a net asset value of $12.91 per share. The Institutional Equity Series had net assets of $6,806,381.61. On the Closing Date, holders of Equity Series Common Stock received 3,267,164.597 shares of the International Portfolio (with a net asset value of $11.94 per share), having an aggregate net asset value of $39,009,945.29. Holders of Institutional Equity Series Special Stock received 570,048.711 shares of the International Portfolio, having an aggregate net asset value of $6,806,381.61. Two shares of the International Portfolio were outstanding prior to that time. The Applicant's shareholders have received all distributions to be made pursuant to the Reorganization Plan and the Liquidation Plan.

6. The Applicant filed Articles of Transfer and Articles of Dissolution on November 22 and 25, 1991, respectively, with the State of Maryland in accordance with Maryland law.

7. The legal and accounting fees and the printing and mailing costs incurred in connection with the Reorganization and Liquidation Plans were borne by Smith Barney, Harris Upham & Co. Inc., the distributor of the Smith Barney Portfolio. The total costs to the Applicant were negligible.

8. The Applicant has not transferred any of its assets to a trust within the past 18 months.

9. The Applicant is current in its required filings, including N-SAR filings, and will make any final filings required by the Act.

10. At the time of the filing of the application, the Applicant had no shareholders, assets or liabilities. The Applicant is not a party to any litigation or administrative proceeding. The Applicant is not engaged in, and does not propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margert H. McFarland,

Deputy Secretary.

[FR Doc. 92-1705 Filed 1-23-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Shipping Coordinating Committee

[Public Notice 1558]

Subcommittee on Safety of Life at Sea; Working Group on Ship Design and Equipment; Meeting

The Working Group on Ship Design and Equipment of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on February 14, 1992 at 9:30 a.m. in room 2415 at United States Coast Guard Headquarters, 2100 2nd Street SW., Washington, DC.

The purpose of the meeting will be to prepare for the 35th Session of the International Maritime Organization (IMO) Subcommittee on Ship Design and Equipment (DE) scheduled for March 23 to 27, 1992. Items of discussion will include the following: Use on board ships of ozone-depleting substances other than halons; guidelines on standard calculations for anchor positioning systems for mobile offshore drilling units (MODUs); guidelines for dynamic positioning systems for MODUs and ships engaged in similar operations; materials other than steel for pipes; maneuverability of ships and maneuvering standards; helicopter facilities offshore; requirements for the carriage of irradicated nuclear fuel; extension of the code on alarms and indicators; ventilation of vehicle decks during loading and unloading; review of implementation status of Assembly resolutions related to the work of the Subcommittee; underpressure in cargo oil tanks due to oil outflow after damage; carriage of dangerous goods on vehicle decks of passenger ships; consideration of the introduction of the Harmonized System of Surveys and certification into the MODU Code; standards for shipboard incinerators for disposing of ship-generated waste; revision of the Code of Safety for Dynamically Supported Craft; hull cracking of ships; fuel line failures; bilge de-watering requirements in open-top container ships; reduction of secondary sources of pollution by minimizing the source of general flooding and by improving control of equipment vital to safe operation of the vessel; amendment of SOLAS regulations II-1/41 and V/19-1; review of implementation status of resolutions; development of safety standards for combined pusher tug-barges improved design and construction standards for bulk carriers; review of existing ships' safety standards; requirements for ships intended for operation in polar waters; guidelines for standardization of the layout of essential instrumentation on the bridge and in the engine room; feasibility study on voyage data recorders; coating requirements for ballast tanks; revision of towing requirements—resolution A.535(XIII); and, requirements for access openings in double hull tankers.

The IMO DE Subcommittee works to develop international agreements, guidelines, and standards for machinery, equipment, and systems as these relate to the marine industry. In most cases, these international agreements, guidelines, and standards form the basis for national standards/regulations and class society rules. The U.S. SOLAS Working Group supports the U.S. Representative to the IMO DE Subcommittee in developing the U.S. position on those issues raised at the IMO DE Subcommittee meetings. Because of the impact on domestic regulations through development of these international guidelines, standards, and regulations, the U.S. SOLAS Working Group serves as an excellent forum for the U.S. maritime industry to express their ideas. All shipping companies, shipyards, design firms, naval architects, marine engineers, and consultants are encouraged to send representatives to participate in the development of U.S. positions on those issues affecting your maritime industry and remain abreast of all activities ongoing within IMO DE. Since these meetings are open to the

public, anyone may attend up to the seating capacity of the room.

For further information contact Captain T.E. Thompson at (202) 267–6446, U.S. Coast Guard Headquarters (G–MTH), 2100 Second Street SW., Washington, DC 20593–0001.

Dated: January 15, 1992.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 92–1765 Filed 1–23–92; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

[Docket 37554]

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IACTA), Public Law 96–192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80–2–69 established the first interim SFFL, and Order 91–10–53 established the currently effective two-month SFFL applicable through November 30, 1991.

In establishing the SFFL for the two-month period beginning December 1, 1991, we have projected non-fuel costs based on the year ended September 30, 1991 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 92–1–31 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic	1.6166
Latin America	1.3912
Pacific	1.9827
Canada	1.4711

FOR FURTHER INFORMATION CONTACT: Keith A. Shangraw, (202) 366–2439.

Dated: January 17, 1992.

By the Department of Transportation.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92–1751 Filed 1–23–92; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement: Morgan and Limestone Counties

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Morgan and Limestone Counties, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. W.R. Van Luchene, District Engineer, Federal Highway Administration, 500 Eastern Boulevard, Suite 200, Montgomery, Alabama 36117, Telephone: (205) 223–7370. Mr. Perry A. Hand, State of Alabama Highway Department, 1409 Coliseum Boulevard, Montgomery, Alabama 36130, Telephone: (205) 242–6311.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Highway Department, will prepare an Environmental Impact Statement (EIS) for Alabama Project BRF–239(12). This project has previous approval as a Finding of No Significant Impact. However, the U.S. Coast Guard requires that the project be processed with an Environmental Impact Statement because the proposal includes the removal of a deteriorating historic bridge.

The proposed project will remove the Keller Bridge, which spans the Tennessee River in the City of Decatur, Alabama. This bridge was erected in 1926 and includes a movable bascule draw that affords the only opening available for the passage of river traffic. The new structure will be erected to a height sufficient to enable river traffic to move freely without disrupting roadway vehicles. The length of the proposed bridge and the approaches is approximately 1.5 miles.

Alternatives under consideration include: (1) Alternate route locations, (2) a no action alternative, and (3) postponing the action alternative.

The scoping process for the proposed project includes written coordination with affected and interested parties, a public involvement meeting and a public hearing. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above. The comments should be forwarded within ten days of this notice.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projected supply to this program.)

James Daves,

Assistant Division Administrator.

[FR Doc. 92–1762 Filed 1–23–92; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—No. 4–92]

Treasury Notes of January 31, 1997, Series H–1997

Washington, January 16, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $9,250,000,000 of United States securities, designated Treasury Notes of January 31, 1997, Series H–1997 (CUSIP No. 912827 D9 0), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated January 31, 1992, and will accrue interest from that date, payable on a semiannual basis on July 31, 1992, and each subsequent 6 months on January 31 and July 31 through the date that the principal becomes payable. They will mature January 31, 1997, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, and other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sales Procedures

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500, Thursday, January 23, 1992, prior to 12 noon, Eastern Standard time, for noncompetitive tenders. Non-competitive tenders as defined below will be considered timely if postmarked no later than Wednesday, January 22, 1992, and received no later than Friday, January 31, 1992.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3 A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $5,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of competitive tenders.

3.4. The following institutions may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished: Depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)); and government securities broker/dealers, registered with the Securities and Exchange Commission that are registered or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities and Exchange Act of 1934, as amended by the Government Securities Act of 1986. Others are permitted to submit tenders only for their own account.

3.5. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, whenever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.5. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, January 31, 1992. Payment in full must accompany tenders submitted by all other investors. payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, January 29, 1992. When payment has been submitted with the tender and the purchase price of the Noted allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an

amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Note allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Note allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Noted issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92-1896 Filed 1-22-92; 2:00 pm]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 3-92]

Treasury Notes of January 31, 1994, Series V-1994

Washington, January 16, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $13,750,000,000 of United States securities, designated Treasury Notes of January 31, 1994, Series V-1994 (CUSIP No. 912827 D8 2), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated January 31, 1992, and will accrue interest from that date, payable on a semiannual basis on July 31, 1992, and each subsequent 6 months on January 31 and July 31 through the date that the principal becomes payable. They will mature January 31, 1994, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in a minimum amount of $5,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, Wednesday, January 22, 1992, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 21, 1992, and received no later than Friday, January 31, 1992.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $5,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue being auctioned prior to the designated closing time for receipt of competitive tenders.

3.4. The following institutions may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished: depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)); and government securities broker/dealers, registered with the Securities and Exchange Commission that are registered or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities and Exchange Act of 1934, as amended by the Government Securities Act of 1986. Others are permitted to submit tenders only for their own account.

3.5. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a

guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in section 3.5. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Friday, January 31, 1992. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, January 29, 1992. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the Untied States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92-1897 Filed 1-22-92; 2:00 pm]

BILLING CODE 4810-40-M

Customs Service

[T.D.92-9]

Revocation of Corporate Broker Permit No. 11154; Universal Transportation Systems, Limited

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Notice is hereby given that on August 7, 1991, pursuant to section 641(b)(5), Tariff Act of 1930, as amended (19 U.S.C. 1641(b)(5)), the corporate permit for Universal Transportation Systems, Limited, to conduct Customs business in the Detroit District was revoked by operation of law.

DATES: January 14, 1992.

C. L. Brainard,

Director, Office of Trade Operations.

[FR Doc. 92-1736 Filed 1-23-92; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

International Exchange Program for Post-Secondary School Students

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Bureau of Educational and Cultural Affairs of the United States Information Agency (USIA) seeks applications from non-profit organizations to provide a mechanism to develop and facilitate exchanges between post-secondary school students from the United States and students from the other countries of the world, through a system of reciprocity or mutual exchange. USIA anticipates

awarding up to $350,000 to an organization to provide this program.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. EST on March 13, 1992. Faxed documents will not be accepted, nor will documents postmarked on March 13, 1992 but received at a later date.

It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. Grants should begin on July 1, 1992 and end on June 30, 1993.

ADDRESSES: The original and fifteen copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref: International Exchange Program for Post-Secondary School Students, Office of the Executive Director, E/X, room 336, 301 4th St., SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested organizations/institutions should contact Ms. Susan Borja at U.S. Information Agency, 301 4th St., SW., Office of Academic Programs, Advising and Student Services Branch, E/ASA, room 349, (202) 619–5434, to request detailed application packets, which include any award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION:

Overview

The Agency's overall goals for this project are to expand study abroad opportunities and increase the diversity of study abroad students, disciplines, and locations overseas. The Agency's immediate goals are to support a mechanism to develop and facilitate exchanges between post-secondary school students from the United States and students from the other countries of the world through a system of reciprocity or mutual exchange. The Agency's long term goals are to increase mutual understanding; strengthen international ties; promote international cooperation; and develop friendly, sympathetic, and peaceful relations between the people of the United States and the people of the other countries of the world.

Pursuant to the Bureau's authorizing legislation, programs shall maintain a non-political character and shall be balanced and representative of the diversity of American political, social, and cultural life. Academic and cultural programs shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

Guidelines

An ideal proposal should describe a mechanism capable of developing and facilitating exchanges between post-secondary school students from the United States and their counterparts from Europe, Latin America, the Middle East, South Asia, Africa, and East Asia (including Oceania).

Exchange students should be drawn from the broadest possible range of universities and colleges. These institutions should be diverse—representing both public and private institutions; offering the greatest possible choice of location, academic discipline, size, and cost; and allowing the use of financial aid for study abroad when at all possible.

The proposal should describe how the colleges and universities will be recruited to participate, the standards established for participation, and the means to evaluate compliance to those standards.

The proposal should describe the criteria for student participation, the obligations of the student (including financial), and the services provided to the student which should be adequate and acceptable.

The proposal should describe methods of evaluating the effectiveness of the exchange mechanism.

USIA's grant assistance, up to $350,000, is expected to constitute only a portion of the total project funding. Cost sharing is required and proposals should list other anticipated sources of support. Grant applications should demonstrate financial and in-kind support using a multicolumn budget format that clearly identifies the various sources of support.

Proposals should include names, titles, addresses, and telephone numbers of the executive officers of the organization and the staff person directly responsible for the project. Resumes of key personnel should be provided.

USIA recommends including brochures and general information about the organization, i.e., evidence of previous experience with international exchange programs, names of board members, number of employees, etc., in the proposal package. USIA suggests that the proposal not exceed ten typewritten, single-spaced pages.

Proposed Budget

The applicant is required to submit a comprehensive line item budget. A budget format will be included with the package of forms necessary to prepare a proposal. Grants will only be awarded to eligible organizations with more than four years experience in conducting international exchange programs.

Review Process

USIA will acknowledge receipt of all proposals and review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency's geographic area offices, and the budget and contracts office and may be reviewed by the Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Demonstration of the ability to adhere to the guidelines described above.

2. Demonstration of an established reputation, or demonstrated potential, for excellence in the field of international education. Relevant evaluation results of previous projects are part of this assessment.

3. Evidence that the project represents current expert knowledge in the field and meets the highest professional qualitative standards of achievements.

4. Evidence of reasonable, flexible, and feasible project objectives and demonstration of the institution's ability to meet those objectives.

5. Evidence of adequate and appropriate personnel and institutional resources to achieve the project's goals.

6. Evidence of cost-effectiveness indicating the ability of the applicant to keep costs of overhead, administration, and salaries as low as possible. Applicant should keep all other items necessary and appropriate.

7. Evidence of cost-sharing through private sector support.

8. Ability to evaluate the project and make appropriate and timely adjustments.

9. Evidence of the ability to develop and facilitate at least one third of the exchange outside of Western Europe within a broad range of non-traditional study abroad countries.

10. Ability to develop and facilitate the maximum number of student exchanges.

11. Ability to recruit student populations currently underrepresented among those who study abroad.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated, and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about June 15, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: January 8, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-1754 Filed 1-23-92; 8:45 am]

BILLING CODE 8230-01-M

Municipal Management and Public Administration for Responsible Democracy in the Baltic States

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a request for proposals from public and private nonprofit organizations in support of projects that develop the public administration infra-structure at the municipal and regional levels in the newly independent Baltic States of Estonia, Latvia, and Lithuania. Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

DATES: This action is effective from the publication date of this notice through March 13, 1992, for projects whose activities commence after August 1, 1992.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. EST on Friday, March 13, 1992. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents postmarked March 13, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline.

ADDRESSES: The original and 15 copies of the completed application and required forms should be submitted by the deadline to: U.S. Information Agency, Office of the Executive Director (E/X), ATTN: Citizen Exchanges—Baltic Exchange Program, room 336, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street, SW., Washington, DC 20547. To facilitate the processing of your request, please include the name of the appropriate USIA Program Officer, as identified on each announcement, on all inquiries and correspondence.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency (USIA) announces a program to encourage, through limited awards to nonprofit institutions, increased commitment to and involvement in international exchanges. Pursuant to the Bureau's authorizing legislation, programs must maintain a nonpolitical character and should be balanced and representative of the diversity of American political, social and cultural life. Awarding of any and all grants is contingent upon the availability of funds.

Objectives of the Public Administration for Responsible Democracy Exchange Program in the Baltic States

Overview

Efforts at domination of Estonia, Latvia, and Lithuania by the Russian Empire in the 19th century were halted by the collapse of that Empire during World War I and each nation established its own form of independence in 1917. Prior to 1939, when Stalin annexed the Baltic States following the signing of the Molotov-Ribbentrop Pact and the outbreak of World War II, each of these states struggled to reform its own social, economic and political structures. Although all three nations adopted liberal democratic constitutions with unicameral legislatures, the political structure remained extremely unstable. Each country, however, had greater success maintaining its own cultural and educational institutions which continued their unique identities, even throughout the last half-century of Soviet domination. The Soviet form of government was imposed on all levels of government within the Baltic Republics with ultimate decision-making power given to Communist Party officials brought to the Baltic region from other parts of the USSR.

Public administration was controlled from Moscow and the fear of reprisals forced the local populations to become passive. Following the death of Stalin, administrative structures were relaxed a bit and some local controls were turned back to native Estonians, Latvians, and Lithuanians. The Republics began to write their own regional laws and establish regional economic councils, but the slowest changes were evident within the agricultural sector.

With the acceleration of the Baltic independence movements, beginning in 1988, Estonia, Latvia and Lithuania have gradually established systems of laws and institutions to facilitate the transition to a democratic and free market system. Now that independence is a reality, each nation is in a renewed position to draw upon traditions developed during their earlier periods of self-government. The half-century of imposed Soviet political structures, however, robbed the local populations of the opportunities to assume responsibility for management of their own governmental programs. Each nation now needs immediate and targeted assistance to develop and implement efficient public administration systems through systematic and thorough education and training programs.

Program Opportunities

To address some of the monumental needs facing the Baltic states of Estonia, Latvia, and Lithuania, the Office of Citizen Exchanges welcomes proposals which will encourage the development of long-term responsible democratic institutions, build an efficient and functional administrative network at the municipal and regional levels, and stress rapid implementation of project objectives. Proposals can focus upon one of the individual Baltic states or issues that transcend country boundaries.

This program will not support the following activities: the purchase or construction of buildings or other structures, the provision of long-term staff support, or computers and other hardware. Nor will it involve Americans in the decision-making process concerning foreign institutional leadership.

The Office of Citizen Exchanges has identified the following public administration issues, among others, which need to be addressed in Estonia, Latvia, and Lithuania. Applicants for this grant program are encouraged to

develop and justify their own areas of concern, but all proposals must be limited to the field of public administration at the municipal or regional levels.

The proposals to be considered should contribute to the development of an effective public administration system uniquely designed to meet the needs of the individual Baltic states. This development can occur at the municipal or regional levels and should recognize the need for coordination of activities with the national governmental structure. Public administrators should learn to implement policies created by political leaders but in a non-partisan style. Areas of need for this training and education program include, but are not limited to, the following:

—*Deliver of Public Services*—Creation of municipal and regional governmental structures to provide an efficient bureaucracy and deliver routine community and social services through effective police, fire, communication, transportation, recreation and leisure programs.
—*Establishment and Regulation of Financial Institutions*—assistance in creating stable credit and banking systems, tax and revenue structures, and necessary codes of commercial laws and regulations.
—*Control and Management of the Environment*—development of standards for the maintenance of a clean environment and regulations to maintain those standards.

Special training programs developed for public administrators will be the keys to the successful implementation of these program areas. Responsible managers of government public programs at the municipal and regional levels must receive training in critical issues such as ethics, conflict resolution, strategic planning, financial planning, public accountability, and responsiveness to various constituencies.

Additional Program Development Recommendations

Competing grantee applicants should not provide proposals which are overly ambitious or superficial. Rather, institutions should provide strong evidence of their ability to accomplish a few tasks exceptionally well.

Applicants must include a detailed description of why their project is important, what their objectives or goals are, and how they will achieve those objectives through a carefully developed plan.

Applicants are encouraged to provide confirmation that Estonian, Latvian, and/or Lithuanian cosponsors endorse their exchange program and can provide support in its implementation. A central objective of this solicitation is the creation of enduring institutional linkages.

Proposals should explain how the U.S. and Baltic cosponsors will generate other support (financial, social, and political) for their programs and how initial achievements could be expanded to other audiences and locations.

Applicants should clearly indicate the resources (financial, physical, organizational and personnel) that are available to them in Estonia, Latvia, and/or Lithuania for the implementation of their proposal. Applicants should not rely on assistance from USIS posts once a project is underway.

Institutions applying for assistance should not simply present a plan to replicate American institutions or structures, but clearly demonstrate an understanding of the individual needs of the Baltic states and how the U.S. experience is potentially relevant—if reconfigured—to meet those needs.

Applicants may also wish to use any of the following approaches to achieve their program objectives:

—The extension of American academic expertise and professional know-how through consultations in Estonia, Latvia, and/or Lithuania for periods of not less than one month;
—Maximum utilization and enhancement of indigenous institutions that can serve as magnet centers attracting leaders/professionals/teachers from other regions or countries for training purposes;
—The development of appropriate training materials;
—Attention not only to reaching leaders and potential leaders, but also developing an understanding of the responsibility of a responsible citizenship among the population as a whole;
—The development and dissemination (overseas only) of books, newsletters, on-line data systems, and other appropriate software technology (including desk-top publishing).
—The opportunity for Baltic participants not only to receive training in their home countries, but the development of a small number of hands-on study tours in the U.S. demonstrate how public administration programs are managed at local, state and national levels;
—The provision of a limited number of carefully crafted internships in the U.S. and extended learning programs (from six weeks to three months with considerable in-country cost-sharing);
—The development of consortia, associations and information networks in the United States and Estonia, Latvia, and/or Lithuania which are likely to endure.

Other Logistical Considerations

Program monitoring and oversight will be provided by appropriate Agency elements. Per Diem support from host institutions during an internship component is strongly encouraged. However, for all programs which include internships, a non-profit grantee institution which receives funds from corporate or other cosponsors should use these funds to cost-share the following items: food, lodging and pocket money for the participant. Internships should also have an American studies/values orientation component at the beginning of the exchange program in the U.S. Grantee institutions should try to maximum cost-sharing in all facets of their program design, and to stimulate U.S. private sector (foundation and corporate) support.

In the selection of all foreign participants, USIA and USIS posts retain the right to nominate participants and to accept or deny participants recommended by the program institution. The grantee institution should provide the names of American participants to the Office of Citizen Exchanges for information purposes.

The Government reserves the right to reject any or all applications received. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant, all preparation and submission costs are at the applicant's expense.

Funding and Budget Requirements for All Submissions

Since USIA assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of support. Applications should demonstrate substantial financial and in-kind support using a three-column format that clearly displays cost-sharing support of proposed projects. Those budgets including funds from other sources should provide firm evidence of the funds. The required format follows:

Line item	USIA support	Cost sharing	Total
Travel, per diem, etc.: Total.....	$	$	$

Funding assistance is limited to project costs as defined in the Project Proposal Information Requirements (OMB #3116–0175, provided in application packet) with modest contributions to defray total administrative costs (salaries, benefits, other direct and indirect costs). USIA-funded administrative costs are limited to 22 (twenty-two) per cent of the total funds requested for administrative costs incurred in the United States. For administrative costs required for strictly overseas activity, the grantee agency must clearly differentiate those costs from administrative costs incurred in the United States for U.S.-based activity. Failure to make these distinctions clearly in the budget presentation will result in all administrative costs restricted under the 22-percent rule. The recipient institution may wish to cost-share any of these expenses.

Organizations with less than four years experience in conducting international exchange programs are limited to $60,000 of USIA support, and their budget submissions should not exceed this amount. In most cases, grant proposals may not exceed $100,000 in the amount requested from USIA for any combination of countries and/or identified areas of need, for a one-year program. (Awarding of any and all grants is contingent upon the availability of funds.) USIA anticipates funding activities for one year, although applications should be structured so that a one year renewal is an option.

Application Requirements

Application materials may be obtained by writing to: The Office of Citizen Exchanges (E/P), United States Information Agency, Attn: Baltic Public Administration Exchange Program, room 216, 301 4th Street, SW., Washington, DC 20547. Attention: Program Officer—Katharine S. Guroff.

Inquiries concerning technical requirements are welcome.

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement (15 pages or less) of what the project is designed to accomplish; how it is consistent with the purposes of the USIA award program; and how it relates to USIA's mission.

2. A concise description of the project, spelling out complete program schedules, thematic agenda, and proposed itineraries, who the participants will be, where they will come from and how they will be selected.

3. A statement of what follow-up activities are proposed; how the project will be evaluated; what groups, beyond the direct participants, will benefit from the project and how they will benefit.

4. A detailed three-column budget.

5. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Primary Covered and Lower Tier Covered Transactions, Forms IA–1279 and IA–1280.

6. Compliance with office of Citizen Exchanges Additional Guidelines for Conferences (if applicable).

7. Compliance with Travel Guidelines for Organizations Inside and Outside Washington, DC (if and as applicable).

8. For proposals requesting $100,000 or more, Certification for Contracts, Grants and Cooperative Agreements, Form M/KG–13.

9. For proposals requesting $100,000 or more, Disclosure of Lobbying Activities (OMB #0348–0046).

Note: All required forms will be provided with the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency's appropriate georgraphic area office and the budget and contracts offices. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review criteria

USIA will consider proposals based on the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, rigor, and relevance to Agency mission. They should demonstrate the matching of U.S. resources to a clearly defined need.

2. *Institution Reputation/Ability/Evaluations:* Institutional receipients should demonstrate potential for program excellence and/or track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). Relevant evaluation results of previous projects are part of this assessment.

3. *Project Personnel:* Personnel's thematic and logistical expertise should be relevant to the proposed program. Resumes or C.V.s should be summaries relevant to the specific proposal and no longer than two pages each.

4. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. *Thematic Expertise:* Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information:

6. *Cross-Cultural Sensitivity/Area Expertise:* Evidence of sensitivity to historical, linguistic, and other cross-cultural factors; relevant knowledge of geographic area.

7. *Ability to Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the institution will meet the program's objectives.

8. *Multiplier Effect:* Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. *Cost-Effectiveness:* The overhead and administrative components should be kept as low as possible. All other items should be necessary and appropriate to achieve the program's objectives.

10. *Cost-Sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

11. *Follow-on Activities:* Proposals should provide a plan for continued exchange activity (without USIA support) which insures that USIA supported programs are not isolated events.

12. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about July 15, 1992. Awarded grants will be

subject to periodic reporting and evaluation requirements.

Dated: January 17, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-1755 Filed 1-23-92; 8:45 am]

BILLING CODE 8230-01-M

Group Projects for International Visitor Grantees

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

Cancellation

The U.S. Information Agency finds it necessary to cancel one of the Group Projects for which it issued a Request for Proposals, published in the **Federal Register** on September 23, 1991 (56 FR 47987). Because of a lack of response from the U.S. Embassies on which we rely to nominate participants for group projects, we will be unable to conduct the Multi-Regional Project entitled "U.S. Energy Resources for the Present and Future", scheduled for April 27–May 22, 1992. The deadline for submission of proposals was to have been February 10, 1992.

Dated: January 10, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-1753 Filed 1-23-92; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before February 24, 1992.

Dated: January 15, 1992.

By direction of the Secretary:

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Application for United States Flag for Burial Purposes, VA Form 90-2008.
2. The form is used to apply for a United States burial flag for a deceased veteran.
3. Individuals or households.
4. 126,500 hours.
5. 15 minutes.
6. On occasion.
7. 506,000 respondents.

[FR Doc. 92-1733 Filed 1-23-92; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Readjustment of Vietnam and Other War Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Readjustment of Vietnam and Other War Veterans will be held February 13 and 14, 1992. This is a regularly scheduled meeting for the purposes of reviewing VA and other relevant services for Vietnam and other war veterans, to review Committee work in progress and to formulate Committee recommendations and objectives. The meeting will be held at TechWorld in room 1105 located at 801 I Street, NW., Washington, DC. The meetings on February 13 and 14 will both begin at 8:30 a.m. and conclude at 4:30 p.m. The agenda for February 13 will consist of presentation, discussion and update of VA readjustment counseling for veterans returning from the Persian Gulf, and, separately, will address the Committee's work in progress. Major topics for the latter will include coordination of compensation and treatment for war-related post-traumatic stress disorder (PTSD) and system-wide coordination of PTSD services. The first day's agenda will also cover a review and finalization of recommendations from the Committee's February, 1991, field visit to VA facilities in San Francisco, California.

On February 14 the Committee will conduct a planning meeting to identify topics and objectives for the coming year. The second day's agenda will also entail Committee review of the Readjustment Counseling Service and vet center operations.

Both meetings will be open to the public up to the seating capacity of the room. Due to limited seating capacity of the room, those who plan to attend or who have questions concerning the meeting should contact Arthur S. Blank, Jr., M.D., Director, Readjustment Counseling Service, Department of Veterans Affairs (phone number: 202-535-7554).

Dated: January 13, 1992.

By direction of the Secretary:

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92-1732 Filed 1-23-92; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 16
Friday, January 24, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, January 29, 1992.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-1909 Filed 1-22-92; 2:14 pm]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:09 a.m. on Tuesday, January 21, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of a certain insured bank.

Recommendations concerning administrative enforcement proceedings.

Report with respect to the Corporation's supervisory activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Vice Chairman Andrew C. Hove, Jr., Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: January 22, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-1905 Filed 1-22-92; 1:40 pm]

BILLING CODE 6714-0-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, January 29, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 22, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-1864 Filed 1-22-92; 10:38 am]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 57, No 18
Friday, January 24 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-807; A-570-814]

Postponement of Final Antidumping Duty Determinations and Rescheduling of Public Hearings: Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China and Thailand

Correction

In notice document 92-794, appearing on page 1253, in the issue of Monday, January 13, 1992, make the following corrections:

1. In the first column, in the subject heading at the begining of the document, in the first line, "**Financial**" should read "**Final**", as set forth above.

2. In the same column, under **POSTPONEMENT OF FINAL DETERMINATION:**, in the 12th line, "9PRC)" should read "(PRC)".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

Correction

In notice document 92-1161 beginning on page 1915, in the issue of Thursday, January 16, 1992, make the following correction:

On page 1915, in the second column, under *Agenda-Open Public Hearing*, in the fifth line, "contract" should read "contact".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 92

[Docket No. R-91-1518; FR-2937-I-02]

RIN 2501-AB12

Home Investment Partnerships Program

Correction

In rule document 91-29094 beginning on page 65312 in the issue of Monday, December 16, 1991, make the following correction:

§ 92.217 [Corrected]

On page 65351, in the first and second columns, § 92.217 was printed twice, it should be removed the second time it appears.

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 901

[Docket No. R-92-1520; FR-2897-I-02]

RIN 2577-AA89

Public Housing Management Assessment Program

Correction

In rule document 92-1213 beginning on page 2160 in the issue of Friday, January 17, 1992, make the following corrections:

§ 901.100 [Corrected]

On page 2195, in § 901.100(b), in the table, in the third column, the first entry now reading "[Insert date 45 days after Federal Register Publication]." should read "03-02-92"; and in the fifth column, the first entry now reading "[Insert date 90 days after Federal Register Publication]." should read "04-16-92".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6916

[CO-930-4214-10; COC-24224]

Withdrawal of Public Lands for Browns Canyon Primitive and Recreation Area; Colorado

Correction

In rule document 92-29647 beginning on page 64713 in the issue of Thursday, December 12, 1991, make the following corrections:

On the same page, in the third column, in the land description, in T. 51 N., R. 8 E.:

1. In Sec. 11, insert: "NW¼SE¼," before "and E½SW¼SE¼;".

2. In Sec. 26, in the last line, "SE¼SE¼;" should read "SW¼SE¼;".

BILLING CODE 1505-01-D

federal register

Friday
January 24, 1992

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

Section 8 Assistance Under the Loan Management Set-Aside (LMSA) Program; Notice of Fund Availability

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-91-3343; FR-3137-N-01]

Section 8 Assistance Under the Loan Management Set-Aside (LMSA) Program; Fund Availability

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability for Fiscal Year 1992.

SUMMARY: This Notice of Fund Availability (NOFA) announces the availability of up to $257 million in section 8 funds for Loan Management Set-Aside (LMSA) assistance. In the body of this document is information concerning the following:

(a) The purpose of the NOFA and information regarding eligibility, available LMSA assistance, and selection criteria;

(b) Application processing, including how to apply and how selections will be made; and

(c) A checklist of steps and exhibits involved in the application process.

DATES: Application is due on or before February 24, 1992.

For consideration under the General LMSA Funding procedures set forth in this Notice, a completed LMSA application must be submitted within 30 days from the date of publication of this Notice. If submitted on the application deadline date, the completed application package must be received by the official close of business in the HUD Field Office receiving the application (Contact the respective HUD Field Office for the official close of business hour at that office.) To be acceptable, applications must conform to requirements set forth in this Notice and the Loan Management Set Aside program application requirements found in 24 CFR part 886.

An application received after the aforementioned due date will only be considered if it complies with "emergency" procedures described in this Notice and only to the extent that sufficient LMSA resources are available at the time of the application.

FOR FURTHER INFORMATION CONTACT: William Schick, Chief, Program Support Branch, Office of Multifamily Housing Management, Department of Housing and Urban Development, room 6164, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708-2654. TDD number (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Information Collection Requirements

The Office of Management and Budget has approved the Loan Management Set-Aside Program under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520) and has assigned it OMB control number 2502-0407.

I. Purpose and Substantive Description

(a) Authority

The Loan Management Set-Aside ("LMSA") program provides special allocations of Housing Assistance Payments ("HAP") under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f. Title 24 of the Code of Federal Regulations, part 886, subpart A sets forth rules for administration of the LMSA program. Matters addressed in the LMSA regulation include: (1) Application contents (§ 886.105), (2) requirements for HUD approval of applications (§ 886.107), (3) owner responsibilities under the program (§ 886.119), and (4) rules governing Federal preferences in the selection of tenants (§ 886.132). The primary purpose of the LMSA program is to reduce claims on the Department's insurance fund by aiding those FHA-insured or Secretary-held projects with presently or potentially serious financial difficulties. First priority is given to projects with presently serious financial problems which are likely to result in a claim on the insurance fund in the near future. To the extent that resources remain available, assistance also may be provided to projects with potentially serious financial problems which, on the basis of financial and/or management analysis, appear to have a high probability of producing a claim on the insurance fund within approximately the next five years.

(b) Allocation Amounts

This Notice of Funding Availability (NOFA) announces availability of up to $257 million from Fiscal Year 1992 Section 8 LMSA program funds for purposes of avoiding claims on the Department's insurance fund. Pursuant to this Notice, HUD is accepting applications for assistance under the LMSA program from owners of FHA-insured or Secretary-held multifamily projects with presently or potentially serious financial difficulties. All LMSA assistance awarded from these Fiscal Year 1992 program funds will have a term of five years, with no contractual provision for renewal of the contract at the end of the five-year term. This NOFA does not govern non-competitive assistance awards under the section 8 LMSA program pursuant to specific regulatory authority (e.g., LMSA assistance as a prepayment plan of action incentive under § 248.231(e) or such assistance under § 219.325(b)(4) to alleviate the effect of rent increases resulting from debt service on capital improvement loans).

(c) Eligibility

Projects eligible for LMSA assistance include: (1) Any existing subsidized or unsubsidized multifamily residential project subject to a mortgage insured under any section of the National Housing Act; (2) any such project subject to a mortgage that has been assigned to the Secretary; (3) any such mortgage acquired by the Secretary and thereafter sold under a Secretary-held purchase money mortgage; and (4) a project for the elderly financed under section 202 of the Housing Act of 1959 (except projects receiving assistance under 24 CFR part 885). References to HUD-Held or Secretary-Held projects throughout this Notice include any project which meets one of the descriptions in (2)-(4) above.

(d) Selection Criteria/Ranking Factors

(1) *Application review.* Each application for assistance under the LMSA program will be reviewed by the HUD Field Office having jurisdiction over the project in question. Within 10 days of receipt of each application, the HUD Field Office must notify the chief executive of the unit of general local government in which the proposed assistance is to be provided of the opportunity for comment on the application (see 24 CFR 886.106 and 24 CFR part 791). After providing the opportunity for local government review and comment, the HUD Field Office will decide whether the application meets regulatory approval requirements described in § 886.107. The Field Office's approval of the application will be based on the following determinations:

(i) HUD's Fair Housing requirements (24 CFR 886.107(a) and 886.114) are met;

(ii) The HUD-approved unit rents are approvable within the limitations described in § 886.110, which are based on HUD's Fair Market Rents;

(iii) The residential units meet the housing quality standards set forth in § 886.113, except for such variations as HUD may approve;

(iv) A significant number of residents, or potential residents in the case of projects having a vacancy rate over 10 percent, are eligible for and in need of section 8 assistance;

(v) The proposed section 8 assistance would not affect other HUD-related multifamily housing within the same neighborhood in a substantially adverse manner. Examples of such adverse effects are substantial move-outs from nearby HUD-related multifamily housing, or substantial diversion of prospective applicants from such projects to the subject project;

(vi) The project has serious current financial problems, which are likely to result in a claim on the insurance fund in the near future, or the project has potentially serious financial problems which, on the basis of financial and/or management analysis, appear to have a high probability of producing a claim on the insurance fund within approximately the next five years;

(vii) The proposed section 8 assistance for the project would solve an identifiable problem and provide a reasonable assurance of long-term project viability. A determination of long-term viability must be based on the following findings:

(A) The project is not subject to any serious problems that are non-economic in nature. Examples of such problems are poor location, structural deficiencies or disinterested ownership;

(B) The owner is in substantial compliance with the Regulatory Agreement. Owners have not or are not diverting project funds for personal use. No dividends have been paid during any period of financial difficulty;

(C) The current management agent has been approved by HUD, and the management agency is in substantial compliance with the HUD-approved management agreement. Financial records are adequately kept. Occupancy requirements are being met. Marketing and maintenance programs are being carried out in an adequate manner, based upon available financial resources;

(D) The project's problems are primarily the result of factors beyond the control of the present ownership and management;

(E) The major problems are traceable to an inadequate cash flow;

(F) The proposed section 8 assistance would solve the cash flow problem by: (1) Making it possible to grant needed rent increases; and (2) reducing turnover, vacancies and collection losses;

(G) The owner's plan for remedying any deferred maintenance, financial problems, or other problems is realistic and achievable; there is positive evidence that the owner will carry out the plan. Examples of such evidence are the owner's past performance in correcting problems and, in the case of profit-motivated owners, any cash contributions made to correct project problems.

(viii) For projects with a history of financial default, financial difficulties or deferred maintenance, any plan for remedying defaulted or deferred obligations submitted pursuant to § 886.105(d) must be adequate in HUD's determination.

In its review of an application, the HUD Field Office will consider recent physical inspections, management reviews, and tenant complaints and comments. If there is no detailed HUD physical inspection report dated within one year of the date an application for LMSA assistance is received in the reviewing office and containing a description and estimated cost of required repairs, or there is no comprehensive management review report within the same period, the HUD Field Office may schedule a comprehensive inspection and/or management review in conjunction with its review of the application for LMSA assistance. Execution of a subsidy contract in such case, will be contingent upon satisfactory modification of the owner's plan to include solutions for all additional problems discovered in the scheduled review(s).

After HUD Field Offices have determined which applications meet LMSA program requirements, the projects which are both eligible for, and in need of, additional LMSA assistance shall be reported to HUD Headquarters for further consideration under the competitive selection procedures outlined in this Notice. Projects awarded subsidy from Fiscal Year 1992 LMSA program funds shall be selected in accordance with "general" or "emergency" procedures as described below. If an application can be approved only on certain conditions, the HUD Field Office shall notify the owner of the conditions and specify a time limit by which those conditions must be met. A project with a conditional approval may be reported to Headquarters by the HUD Field Office for further processing under procedures set forth below; however, execution of an LMSA contract for any units which may be allocated to the project in the Headquarters process, will be contingent upon the owner's compliance with the approval conditions. Where the HUD Field Office concludes that an application will not meet LMSA program requirements, processing of the application is completed upon the Field Office's notification to the applicant of the reasons for disapproval.

(2) *General LMSA funding round*—(i.) *Annual needs survey.* Fiscal Year 1992 general funding awards will be selected from projects approved by HUD Field Offices and reported to HUD Headquarters in response to the Fiscal Year 1992 annual needs survey. The Field Offices' needs survey responses should be forwarded to HUD Headquarters after the due date announced in this Notice for program applications. HUD Field Office staff shall determine and report to Headquarters the minimum number of LMSA units needed to cure each project's vacancy and cash flow problems, subject to limitations as described below.

(ii.) *Limitations on units.* (A) An allocation may not exceed the difference between total units in the project and the number of units already assisted under project-based tenant subsidy contracts (project-based section 8 subprograms, Rent Supplement and Rental Assistance Payments).

(B) For both subsidized and unsubsidized projects, if the Field Office's recommendation exceeds the sum of vacant units plus the number of tenants paying more than 40 percent of income for rent, the respective HUD Regional Office must review and approve the number of LMSA units recommended.

(C) Total project-based section 8 assistance for projects with unsubsidized mortgages is limited to 40 percent of total units in the project. When the respective HUD Field Office determines that a project with an unsubsidized mortgage needs section 8 assistance above the 40 percent level, or when the project was developed as a retirement service center, a recommendation by the Field Office will be subject to further review similar to applications submitted under the emergency procedures described in paragraph (3) below. In all such cases, the Field Office's justification for LMSA units must document that project management has an aggressive and workable plan in place for leasing the market rate units in the project. A project is considered unsubsidized for the purpose of LMSA funding selections if the HUD mortgage is unsubsidized. The definition of subsidized project for purposes of section 203 of the Housing and Community Development Amendments of 1978, which includes projects with over 50 percent of total units assisted under certain section 8 subprograms, pertains to management and disposition of projects which have been acquired by HUD and is not applicable to projects eligible for LMSA assistance.

(iii) *Determination of priority category.* HUD Field Offices will include in their needs survey reports, data needed by HUD Headquarters to classify approved projects into six priority categories and to establish a funding score for each project.

Fiscal Year 1992 LMSA funds will be allocated in the following order of priority:

(A) Insured projects with presently serious financial problems likely to result in a mortgage insurance claim in the near future;

(B) Insured projects with potentially serious financial problems which appear to have a high probability of producing a mortgage insurance claim within approximately the next five years;

(C) HUD-held and section 202 projects with presently serious financial problems; and

(D) HUD-held and section 202 projects with potentially serious financial problems. The Department of Housing and Urban Development never intended to provide relief in the form of Loan Management Set Aside assistance for Retirement Service Centers (RESC) or formerly coinsured projects. However, recognizing that if LMSA assistance could be made available for those types of projects some additional claims on the FHA Fund might be avoided, the following additional priority categories of eligible projects are being added for FY 1992.

(E) Insured Retirement Service Centers and insured formerly coinsured projects (i.e., projects whose mortgages have been converted from coinsurance to full insurance), with presently serious financial problems likely to result in a mortgage insurance claim in the near future.

(F) HUD-held Retirement Service Centers and HUD-held formerly coinsured projects with presently serious financial problems.

(iv) *Determining "presently serious" projects:* For purposes of determining which projects will be classified in Category A, Category C and Category E, HUD will consider a project to have "presently serious financial problems" if either of the following two financial ratios is less than or equal to zero:

Income/Expense Ratio, defined as follows:

(Net Income or Loss Before Depreciation LESS Annual Debt Service and Reserve Payments) Times 100

Divided by:

Total Annual Cost of Operating the Project

or,

Ratio of Surplus Cash (or Deficiency) to Monthly Mortgage Payment, defined as follows:

Total Cash LESS Total Current Obligations

Divided by:

Total Monthly Mortgage Payment

A negative income/expense ratio occurs when there was a net loss during the period or when net income before depreciation was less than annual debt service plus reserve payments. The project did not generate sufficient cash flow from operations in the previous year to cover its cash requirements, suggesting cash flow difficulties which were possibly severe and, if left unresolved, are likely to result in financial problems in the current year. Comparison to the total cost of operating the project provides an indication of the seriousness of any negative cash throw-off, since the size of the problem generally varies directly with the absolute value of the ratio.

The second ratio approximates the project's Mortgage Payment Coverage Ratio and is negative when there is a cash deficiency, i.e., the surplus cash calculation is less than zero. A cash deficiency means that cash available to the project at the end of the period, including any subsidy vouchers due for the period, is less than the amount needed to cover current obligations. A cash deficiency points to a severe liquidity problem since the project cannot even meet its past obligations without some form of relief. Calculation of the ratio of surplus cash (deficiency) to the total mortgage payment provides an indication of the project's ability to made the next mortgage payment after past obligations are met, without depending upon the next month's rent collections.

The two ratios defined above will be calculated using financial data contained in the project's annual audited financial statement for calendar year 1990, except for projects with fiscal year end dates later than December 31, 1990 where the most recent annual audited financial statement for a fiscal year period ending in 1990 or later will be used.

A result of zero or less on either of the two ratios suggests that the project has a present financial problem. These ratios were selected because they provide a straightforward means of identifying projects with cash flow difficulties. Projects with both ratios in the positive range may be added to Category A for insured projects or Category C for HUD-held projects based on written justifications by HUD Field Offices documenting appropriate circumstances. For example, a substantial increase in vacancies in recent months may warrant elevating the project's priority category. The justifications will be reviewed by Headquarters staff in the Office of Multifamily Housing Management, who will resolve any issues with the respective HUD Regional and Field Offices and approve, or disapprove, the change in priority.

(v) *Determination of ranking within priority category.* The number of projects which can be funded from Fiscal Year 1992 resources will depend upon the units and budget authority designated in Field Office approvals. If LMSA program funds are available to fund some, but not all of the projects in a given priority category (after funding all projects in higher priority categories), any project selections from the given category will follow from a ranking of projects within that category using a funding score. A maximum score of 115 points (110 points for HUD-held projects) may be accumulated on the basis of the following project characteristics and maximum point potentials:

(A) Occupancy—25 points. Calculation: No. of occupied units Divided by Total units in the project. Lower values yield higher points.

(B) Owner advances or contributions since October 1, 1988—25 points. Calculation: Total of owner advances or contributions during the period Divided by Total Units in the project. Larger values yield higher points.

(C) Tenants paying in excess of 40 percent of their income for rent—15 points. Calculation: No. of units occupied by tenants paying over 40 percent of their income for rent Divided by Total units in the project. Larger values yield higher points.

(D) Income/Expense Ratio—15 points. Calculation: As defined above. Smaller values yield higher points.

(E) Ratio of Surplus Cash (Deficiency) to Total Monthly Mortgage Payment—15 points. Calculation: As defined above. Smaller values yield higher points.

(F) For HUD-insured projects only, Mortgage balance per dollar of additional subsidy—5 points. Calculation: Mortgage principal balance Divided By Proposed LMSA annual contract authority. Larger values yield higher points.

(G) Resident Initiatives—15 points. Evidence in the form of a contract, or other written commitment, to transfer title to the property to a resident organization, cooperative association, non-project entity, public body including an instrumentality thereof, public housing agency or Indian Housing Authority, for the purpose of resident ownership of the project.

(vi) *Funding for selected projects.* For all projects selected for funding in Fiscal Year 1992, the number of additional

section 8 units allocated will be the number of LMSA units recommended by the HUD Field Office in accordance with limitations previously set forth in paragraph (2)(ii), provided that HUD Headquarters confirms the Field Office's determination that the projects have met all program requirements.

If approved, notification of a general funding award will be made through the HUD Field Office. If an application can be approved only on certain conditions, HUD will notify the owner of the conditions and specify a time limit by which those conditions must be met. Disapproved applicants will also be notified with a statement of the grounds for disapproval.

(3) *Emergency LMSA Funding.* Up to five percent of the LMSA funds announced in this Notice may be made available to fund projects recommended to HUD Headquarters by the respective HUD Field Office subsequent to the Annual Needs Survey reporting deadline for the general funding round. After this deadline, only emergency requests will be accepted. In all cases governed by these emergency procedures, consideration will be given to the extent that sufficient resources are available.

To qualify for emergency LMSA assistance, the project must be Insured with presently serious financial problems (as described in paragraph (2)(iii) above), and must meet one of the conditions listed below:

(i) The applications (or corrections to the applications) were received too late by the Field Office to be included in the Annual Needs Survey.

(ii) Projects which were recommended by the Field Office during this general funding round, but were not approved in Headquarters or did not score a sufficient number of points in the ranking process.

All application and Field Office review procedures pertaining to the LMSA program will be followed for emergency recommendations. In addition, an emergency recommendation must have written concurrence from the Director of Housing in the appropriate HUD Regional Office. HUD Field Offices are required to demonstrate that provision of the proposed LMSA units is likely to avert a mortgage default or assignment in the near future, and the request to HUD Headquarters will explain why funds are needed on an emergency basis. Headquarters will not consider any emergency funding request which does not have written Regional Office concurrence.

HUD Headquarters will review Field Office justifications and will determine whether provision of LMSA units is an appropriate response to the circumstances documented by HUD Field staff. If an emergency request is approved, notification of the subsidy award will be made through the HUD Field Office.

II. Application Process

(a) Completed applications must be submitted to the HUD Field Office having jurisdiction over the multifamily property for which assistance is requested. Application kits containing copies of required HUD forms and Notices are available from HUD Field Offices.

(b) For consideration under the General LMSA Funding procedures set forth previously in this Notice, a completed LMSA application must be submitted within 30 days from the date of publication of this Notice. If submitted on the application deadline date, the completed application package must be received by the official close of business in the HUD Field Office receiving the application. (Contact the respective HUD Field Office for the official close of business hour at that office.)

Applications received after the due date specified in this NOFA will be considered for LMSA assistance only if the Secretary determines that such assistance is needed immediately in response to emergency circumstances and only to the extent that sufficient Fiscal Year 1992 LMSA budget authority remains to satisfy the subsidy requirement.

(c) A complete application must be submitted in an envelope, package, or binding which includes all parts of the application in their entirety as they are described in the next section of this NOFA.

(d) An owner who applied for LMSA assistance in a prior year and did not receive the desired number of units may re-apply in order to receive reconsideration of the request in Fiscal Year 1992. The Fiscal Year 1992 LMSA application must contain current information and conform to all requirements outlined in this Notice.

III. Checklist of Application Submission Requirement

(a) LMSA applications must meet the requirements for eligible projects set forth in § 886.105 of the LMSA regulations, and must include:

(1) Information on gross income, family size and amount of rent paid to the project by families currently in residence;

(2) Information on vacancies and turnover;

(3) Estimate of effect of the availability of the requested section 8 LMSA assistance on marketability of units in the project;

(4) For projects having a history of financial default, financial difficulties or deferred maintenance, a plan and a schedule for remedying such defaulted or deferred obligations.

To be credible, the owner's plan and schedule for remedying defaulted or deferred obligations, including deferred maintenance, must clearly state each problem being addressed and for each stated problem, the plan must enumerate proposed actions for curing the problem. Proposed actions must be presented in trackable form, with the specific dates that each action would begin and end if the requested LMSA subsidy were awarded. Further, the plan must include a statement of the sources and uses of all financial resources needed to complete the plan, including any cash contributions from the owner.

Since HUD's approval must be based in part on evidence that the plan will be carried out, the owner must incorporate in the proposed improvement plan a certification that the plan will be executed as presented and that sources of funds identified in the plan, other than the LMSA assistance applied for, will be available by the scheduled dates (any conditions must be stated, e.g. "subject to HUD approval of Flexible Subsidy"). The certification must include a statement that the owner has made every effort to secure funding from all possible funding sources and must be accompanied by supporting documentation of those efforts. Finally, the owner's certification must include a statement of the owner's agreement to modify the plan, prior to execution of an LMSA contract, for the purpose of including any changes which the HUD Field Office determines are necessary to address problems not identified or inadequately addressed in the plan, as indicated by recent HUD physical inspections, management reviews or records of tenant complaints and comments, or by HUD physical inspections and/or management reviews which may be scheduled in conjunction with review of the LMSA application. Changes required by HUD may also include requirements for carrying out Resident Initiatives activities where it is determined that it could be beneficial to the management of the project.

(5) Total number of units by unit size (by bedroom count) for which section 8 assistance is requested; and

(6) Affirmative Fair Housing Marketing Plan on Form HUD–935.2.

In addition to the application submission requirements cited in the LMSA regulation, the following items

must be included in the LMSA application package:

(7) All documentation required by HUD Notice 90–17, Combining Low-Income Housing Tax Credits (LIHTC) with HUD Programs, and by the Notice of administrative guidelines to be applied to assistance programs of the Office of Housing published on April 9, 1991 [56 FR 14436].

(8) Form HUD–2880, Applicant/Recipient Disclosure/Update Report, as required under subpart C of 24 CFR part 12, Accountability in the Provision of HUD Assistance.

(9) Disclosures and verification requirements for Social Security and Employer Identification Numbers, as provided by 24 CFR part 750.

(10) Certification and disclosure according to HUD Notice H–90–27 entitled "OMB's Guidance on New Government-wide Restrictions on Lobbying" issued April 13, 1990.

(11) Form HUD–2530, Previous Participation Certificate(s) for all principals requiring clearance under those procedures.

(12) A written certification stating that the owner will comply with the provisions of the Fair Housing Act, title VI of the Civil Rights Act of 1964, Executive Orders 11063 and 11246, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968, as well as with all regulations issued pursuant to these authorities.

(13) Certification that the applicant will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), implementing regulations at 49 CFR 24, and HUD Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition.

IV. Corrections to Deficient Applications

(a) After the submission date for applications, no changes to application documents will be accepted, except for correction of technical deficiencies which do not alter the substance of the application materials. Examples include a missing certification, or missing signature. (Reasonable changes to the owner's corrective plan resulting from negotiations with the HUD Field Office during the application review period, are not governed by this section.)

(b) HUD will notify an applicant in writing, shortly after the application response deadline, of any technical deficiencies in the application. The applicant must submit corrections within 14 calendar days from the date of HUD's letter notifying the applicant of any such deficiency.

(c) The applicant must submit corrections to the same HUD Field Office at which the original application was filed, by the official close of business on the 14th calendar day following the date of the HUD letter notifying the applicant of the deficiency. The applicant must submit the corrected document(s) with a separate written summary of all changes from the original submission.

V. Other Matters

(a) HUD regulations in 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities, and programs specified in § 50.20. Since the activities set forth in this Notice are within the exclusion set forth in § 50.20(d), no environmental assessment is required, and no environmental finding has been prepared.

(b) Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government.

(c) Executive Order 12606, the Family. The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this NOFA does not have potential significant impact on family, formation, maintenance, and general well-being.

(d) Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

(e) HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

Authority: Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437f.

Dated: January 15, 1992.

Arthur J. Hill,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 92–1721 Filed 1–23–92; 8:45 am]

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federal register

Friday
January 24, 1992

Part III

Equal Employment Opportunity Commission

29 CFR Part 1641

Department of Labor

Office of Federal Contract Compliance Programs

41 CFR Part 60-742

Procedures for Complaints/Charges of Employment Discrimination Based on Disability Filed Against Employers Holding Government Contracts or Subcontracts; Joint Final Rule

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1641

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60–742

Procedures for Complaints/Charges of Employment Discrimination Based on Disability Filed Against Employers Holding Government Contracts or Subcontracts

AGENCY: Equal Employment Opportunity Commission; and Office of Federal Contract Compliance Programs, Department of Labor.

ACTION: Joint final rule.

SUMMARY: On July 26, 1990, the Americans with Disabilities Act of 1990 (ADA) was signed into law. Section 107(b) of the ADA requires that the Equal Employment Opportunity Commission (EEOC or Commission), the Attorney General, and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) issue coordination regulations no later than January 26, 1992 setting forth procedures governing the processing of complaints that fall within the overlapping jurisdiction of both title I of the ADA and sections 503 and 504 of the Rehabilitation Act to ensure that such complaints are dealt with in a manner that avoids duplication of effort and prevents the imposition of inconsistent or conflicting standards. Pursuant to this mandate, the Commission and OFCCP are jointly publishing a new part implementing section 107(b) as it pertains to title I of the ADA and section 503 of the Rehabilitation Act of 1973. This part will be added to the rules of the Department of Labor at 41 CFR Chapter 60 as a new part 60–742, and to the rules of the Equal Employment Opportunity Commission at 29 CFR Chapter XIV as a new part 1641.

EFFECTIVE DATE: July 26, 1992.

ADDRESSES: Copies of this joint final rule are available in the following alternate formats: large print, braille, electronic file on computer disk, and audio-tape. Copies may be obtained from the Equal Employment Opportunity Commission, Office of Equal Employment Opportunity by calling (202) 663–4395 or 663–4398 (voice) or (202) 663–4399 (TDD).

FOR FURTHER INFORMATION CONTACT: Elizabeth M. Thornton, Deputy Legal Counsel, Equal Employment Opportunity Commission, (202) 663–4638 (voice), (202) 663–7026 (TDD); or Annie Blackwell, Director of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, (202) 523–9430 (voice).

SUPPLEMENTARY INFORMATION:

Background

Title I of the ADA prohibits discrimination against qualified individuals with disabilities in all aspects of employment. 42 U.S.C. 12101 *et seq.* Title I of the ADA becomes effective on July 26, 1992, with respect to employers with 25 or more employees. On July 26, 1994, this coverage is extended to employers with 15 or more employees. EEOC is authorized to investigate and attempt to resolve charges of employment discrimination under the ADA.

Section 503 of the Rehabilitation Act of 1973, 29 U.S.C. 793, requires government contractors and subcontractors to apply a policy of nondiscrimination and affirmative action in their employment of qualified individuals with a handicap. OFCCP is authorized to investigate and attempt to resolve complaints of employment discrimination under section 503.

The substantive prohibitions and coverage of title I of the ADA overlap to a significant extent with the substantive prohibitions and coverage of section 503. There is, therefore, a potential for the imposition of inconsistent or conflicting legal standards, and duplicative efforts by EEOC and OFCCP in their processing of complaints under these laws.

Pursuant to the mandate of section 107(b) of the ADA, OFCCP and EEOC are therefore promulgating this joint final rule to establish procedures for coordinating the processing of complaints that fall within the overlapping jurisdiction of these statutes.

OFCCP Processing

In brief, complaints filed with OFCCP under section 503 of the Rehabilitation Act will also be considered charges, simultaneously dual filed under the ADA, whenever the complaints also fall within the jurisdiction of the ADA. Joint filing of complaints/charges received by OFCCP under both section 503 and the ADA ensures that the aggrieved individual's rights under the ADA are preserved, including the private right to file a lawsuit.

Acting as EEOC's agent and applying consistent legal standards, OFCCP will process and resolve the ADA component of the section 503 complaint/ADA charge, except where the complaint/charge raises an issue designated to be a Priority List issue, defined as a limited number of controversial topics on which there is not yet definitive guidance as to EEOC's position, or where the complaint/charge also raises certain allegations of discrimination on the basis of race, color, religion, sex, national origin or age. OFCCP will refer complaints/charges raising Priority List issues or certain allegations of discrimination on the basis of race, color, religion, sex, national origin or age in their entirety to EEOC for processing and final resolution, provided that such complaints/charges do not include allegations of violation of affirmative action requirements under section 503. In such a situation, OFCCP will bifurcate the complaints/charges and refer only the allegations regarding Priority List issues or discrimination on the basis of race, color, religion, sex, national origin or age. OFCCP will also refer to EEOC for litigation review under the ADA any compliant/charge where a violation has been found, conciliation fails, and OFCCP declines to pursue administrative enforcement.

EEOC Processing

In brief, EEOC will refer ADA charges that are also covered by section 503 to OFCCP under two circumstances. First, ADA cause charges that also fall within the jurisdiction of section 503 and that the Commission has investigated but declines to litigate after the failure of conciliation will be referred to OFCCP for review of the file and any administrative action deemed appropriate. Second, ADA charges filed with EEOC, in which both allegations of discrimination under the ADA and violation of affirmative action requirements under section 503 are made, will be referred in their entirety to OFCCP for processing and resolution under section 503 and the ADA, unless the charges also include certain allegations of discrimination on the basis of race, color, religion, sex, national origin or age, or include allegations involving Priority List issues, or the charges are otherwise deemed of particular importance to EEOC's enforcement of the ADA. In these three situations, EEOC will bifurcate the charges and retain the ADA component of the charges (and when applicable, the allegations pertaining to discrimination on the basis of race, color, religion, sex, national origin or age), referring the section 503 affirmative action component of the charges to OFCCP for

processing and resolution under section 503.

For the purposes stated in the preceding paragraph, ADA charges also falling within the jurisdiction of section 503 will be considered complaints, simultaneously dual filed, under section 503.

Analysis of Comments and Revisions

The Commission received eight comments in response to a notice of proposed rulemaking published jointly with OFCCP on October 28, 1991. 56 FR 55578. One commenter supported the joint proposed rule as published. The other commenters suggested that various revisions be made. Two commenters expressed concern about the use of the Priority List as a means by which to determine the agency that will process and resolve complaints/charges, and asked that the Priority List be periodically published. Another commenter asked that § _____.5(e) of the joint proposed rule be revised to provide for the bifurcation of complaints/charges containing allegations concerning Priority List issues and violation of affirmative action requirements under section 503. Other commenters asked that complaints/charges not be bifurcated under any circumstances, and expressed confusion about the deferral period referred to in § _____.5(c) of the joint proposed rule. Concern was also expressed by two commenters about the confidentiality of section 503 affirmative action plans that may be given to the Commission as part of an exchange of information, and about the protection of classified or certain unclassified information disclosed to EEOC or OFCCP during the course of an investigation of a Federal contractor.

One commenter asked that the joint final rule provide for the transfer to EEOC of all complaints/charges that include a request for damages pursuant to the Civil Rights Act of 1991, Public Law 102–166. This commenter also asked that EEOC and OFCCP adopt a substantial weight review process, similar to that used by the Commission to review the investigative files of State and local agencies designated as "FEP agencies" under title VII of the Civil Rights Act of 1964, when reviewing complaints/charges pursuant to §§ _____.5(e)(2)(ii) and _____.6(a) of the joint proposed rule.

The Commission and OFCCP have made a number of revisions in response to these comments. Section _____.5(c) has been revised to clarify that the deferral period that will be waived is the deferral period referred to in the work-sharing agreements between EEOC and State and local agencies designated as FEP agencies.

Section _____.5(e) has been revised to provide that OFCCP will bifurcate any complaints/charges it receives that contain both Priority List issues and allegations of violation of section 503 affirmative action requirements. In such a situation, OFCCP will retain, process and resolve the allegations of violation of affirmative action requirements, and refer to EEOC only the allegations raising Priority List issues.

Sections _____.5(e)(2)(i) and _____.5(e)(2)(ii) of the joint proposed rule have also been revised. Section _____.5(e)(2)(i) now provides that when engaging in conciliation as EEOC's agent, OFCCP shall attempt to obtain appropriate "full relief" for the complainant/charging party. EEOC and OFCCP intend that "full relief" be distinguished from "make whole relief," which historically has referred to remedies such as back pay, front pay and reinstatement, but did not include compensatory or punitive damages. Pursuant to the Civil Rights Act of 1991, Public Law 102–166, passed after the issuance of the joint proposed rule, compensatory and/or punitive damages may be available in cases of intentional discrimination under the ADA. EEOC and OFCCP intend that "full relief" encompass "make whole relief" and, where appropriate under the ADA, compensatory and/or punitive damages.

If OFCCP (acting as EEOC's agent under the ADA) is unable to conciliate for appropriate compensatory and/or punitive damages, the conciliation attempt will be considered unsuccessful, and thus § _____.5(e)(2)(ii) will apply. Since compensatory and punitive damages are unavailable under section 503, OFCCP will not be able to obtain such relief in the context of litigation under that statute, and thus will not pursue administrative litigation of complaints/charges where damages would be appropriate relief. OFCCP will thereupon, in accordance with § _____.5(e)(2)(ii) of this part, close the section 503 component of the complaint/charge and refer the ADA charge component to EEOC for litigation review under the ADA.

EEOC and OFCCP also have not accepted a number of suggested revisions proposed by commenters. First, the joint final rule retains the provisions of the joint proposed rule regarding the development and use of the Priority List as a means by which to determine the agency that will process and resolve complaints/charges. The Priority List will be a constantly evolving internal and informal catalog of difficult ADA issues on which the Commission has not yet taken a position. OFCCP and the Commission have determined that it is important to identify such issues in this manner, and that it is appropriate for the Commission, as the agency responsible for the enforcement of the ADA, to process and resolve complaints/charges that raise these issues. However, since the Priority List will neither establish nor implement substantive ADA policy, the publication of the Priority List would not be appropriate.

Second, like the joint proposed rule, the joint final rule provides for the bifurcation of certain complaints/charges. OFCCP and EEOC have determined that such bifurcation is necessary, in view of the agencies' differing enforcement powers and areas of expertise, to ensure that the rights of complainants/charging parties are fully protected in the most efficient manner possible.

It should also be noted that the joint final rule does not provide additional confidentiality protection for section 503 affirmative action plans, or for the handling of classified and unclassified information received from Federal contractor respondents, beyond that which may be available under other existing Federal laws. OFCCP and the Commission have determined that the inclusion of additional confidentiality provisions in this part is not necessary in order to ensure adequate protection of this information.

Finally, it should be noted that EEOC and OFCCP have not accepted the suggestion that a substantial weight review process be incorporated into this part. While such a process is appropriate in the context of the review of the investigative files of FEP agencies under title VII of the Civil Rights Act of 1964, the Commission and OFCCP have determined that that process would not be appropriate in the context of the coordination of the enforcement efforts of EEOC and OFCCP as set forth in this part.

In addition to the revisions made in response to the comments from the public, the Commission and OFCCP have made several technical revisions to the joint final rule to ensure that it is consistent with the pre-existing Memorandum of Understanding (MOU) between the two agencies (46 FR 7435 (January 23, 1981)) coordinating the enforcement of title VII of the Civil Rights Act of 1964 and Executive Order 11246. Accordingly, §§ _____.2(b) and _____.2(c) have been added to the joint final rule. Section _____.2(b) provides that requests by third parties for disclosure of information be coordinated

with the agency that initially compiled or collected the information. Section _____.2(c) exempts from the requirements of § _____.2(b) requests for data in EEOC files by FEP agencies. However, § _____.2(c) requires FEP agencies to obtain express written approval from OFCCP before disclosing to the public any information initially compiled by OFCCP.

Similarly, consistent with the MOU between OFCCP and EEOC, § _____.5(e) has been revised to clarify that OFCCP shall normally retain, investigate, process and resolve all allegations of discrimination of a systemic or class nature on the basis of race, color, religion, sex, or national origin that it receives. In appropriate cases, however, EEOC may request that it be referred such allegations to avoid duplication of effort and ensure effective law enforcement. Section _____.5(e) provides, further, that OFCCP will generally refer to EEOC complaints/charges including allegations of discrimination of an individual nature on the basis of race, color, religion, sex, or national origin, or allegations of discrimination based on age.

Other technical changes also have been made. Under revised § _____.5(e)(2)(ii), OFCCP will refer to EEOC, complaints/charges that it has pursued to administrative litigation, but that have been dismissed on procedural or jurisdictional grounds, or because the contractor/respondent fails to comply with an order to provide make whole relief. In these three situations, EEOC will either take further appropriate action, or issue a notice of right-to-sue. The joint proposed rule had provided that in such situations OFCCP would close the complaints/charges and issue a notice of right-to-sue.

A technical change has also been made to § _____.6(b). This change clarifies that EEOC will bifurcate complaints/changes it receives that are deemed "of particular importance" to the Commission's enforcement of the ADA, as well as those that include allegations of discrimination on the basis of race, color, religion, sex, national origin, or age, or allegations involving Priority List issues. Complaints/charges may be "of particular importance" for a variety of reasons. For example, a complaint/charge may raise a novel ADA issue not yet on the Priority List. The joint proposed rule had stated that EEOC would bifurcate complaints/charges that were "otherwise deemed important" to enforcement of the ADA.

Additionally, the Commission and OFCCP have revised § _____.7 to provide that this part shall be reviewed "periodically, and as appropriate" to determine whether it should be changed and whether it should remain in effect. The joint proposed rule had specified that such review would occur 24 months after the effective date of the final rule. This revision provides the Commission and OFCCP with greater flexibility to review this part whenever the Commission and OFCCP determine that such review is necessary or beneficial, rather than at the conclusion of a fixed time period.

The joint final rule is not a "major" rule as defined by section 1(b) of Executive Order 12291. The joint final rule simply coordinates EEOC and OFCCP investigation and enforcement of section 503 and ADA prohibitions of discrimination in employment on the basis of disability, and will not have a major or significant effect on the economy.

The text of the joint final rule is set out only once at the end of the joint preamble. The part heading, table of contents, and authority citation for the parts as they will appear in each CFR title follow the text of the joint final rule.

Text of Joint Final Rule

The text of the joint final rule, as adopted by the agencies specified in this document, appears below:

PART —PROCEDURES FOR COMPLAINTS/CHARGES OF EMPLOYMENT DISCRIMINATION BASED ON DISABILITY FILED AGAINST EMPLOYERS HOLDING GOVERNMENT CONTRACTS OR SUBCONTRACTS

Sec.

_____.1 Purpose and application.
_____.2 Exchange of information.
_____.3 Confidentiality.
_____.4 Standards for investigations, hearings, determinations and other proceedings.
_____.5 Processing of complaints filed with OFCCP.
_____.6 Processing of charges filed with EEOC.
_____.7 Review of this part.
_____.8 Definitions.

§ _____.1 Purpose and application.

The purpose of this part is to implement procedures for processing and resolving complaints/charges of employment discrimination filed against employers holding government contracts or subcontracts, where the complaints/charges fall within the jurisdiction of both section 503 of the Rehabilitation Act of 1973 (hereinafter "Section 503") and the Americans with Disabilities Act of 1990 (hereinafter "ADA"). The promulgation of this part is required pursuant to section 107(b) of the ADA. Nothing in this part should be deemed to affect the Department of Labor's (hereinafter "DOL") Office of Federal Contract Compliance Programs' (hereinafter "OFCCP") conduct of compliance reviews of government contractors and subcontractors under section 503. Nothing in this part is intended to create rights in any person.

§ _____.2 Exchange of information.

(a) EEOC and OFCCP shall share any information relating to the employment policies and practices of employers holding government contracts or subcontracts that may assist each office in carrying out its responsibilities. Such information shall include, but not necessarily be limited to, affirmative action programs, annual employment reports, complaints, charges, investigative files, and compliance review reports and files.

(b) All requests by third parties for disclosure of the information described in paragraph (a) of this section shall be coordinated with the agency which initially compiled or collected the information.

(c) Paragraph (b) of this section is not applicable to requests for data in EEOC files made by any state or local agency designated as a "FEP agency" with which EEOC has a charge resolution contract and a work-sharing agreement containing the confidentiality requirements of sections 706(b) and 709(e) of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e *et seq.*). However, such an agency shall not disclose any of the information, initially compiled by OFCCP, to the public without express written approval by the Director of OFCCP.

§ _____.3 Confidentiality.

When the Department of Labor receives information obtained by EEOC, the Department of Labor shall observe the confidentiality requirements of sections 706(b) and 709(e) of title VII of the Civil Rights Act of 1964, as incorporated by section 107(a) of the ADA, as would EEOC, except in cases where DOL receives the same information from a source independent of EEOC. Questions concerning confidentiality shall be directed to the Associate Legal Counsel for Legal Services, Office of Legal Counsel of EEOC.

§ _____.4 Standards for investigations, hearings, determinations and other proceedings.

In any OFCCP investigation, hearing, determination or other proceeding involving a complaint/charge that is dual filed under both section 503 and the

ADA, OFCCP will utilize legal standards consistent with those applied under the ADA in determining whether an employer has engaged in an unlawful employment practice. EEOC and OFCCP will coordinate the arrangement of any necessary training regarding the substantive or procedural provisions of the ADA, and of EEOC's implementing regulations (29 CFR part 1630 and 29 CFR part 1601).

§ _____.5 Processing of complaints filed with OFCCP.

(a) Complaints of employment discrimination filed with OFCCP will be considered charges, simultaneously dual filed, under the ADA whenever the complaints also fall within the jurisdiction of the ADA. OFCCP will act as EEOC's agent for the sole purposes of receiving, investigating and processing the ADA charge component of a section 503 complaint dual filed under the ADA, except as otherwise set forth in paragraph (e) of this section.

(b) Within ten days of receipt of a complaint of employment discrimination under section 503 (charge under the ADA), OFCCP shall notify the contractor/respondent that it has received a complaint of employment discrimination under section 503 (charge under the ADA). This notification shall state the date, place and circumstances of the alleged unlawful employment practice.

(c) Pursuant to work-sharing agreements between EEOC and state and local agencies designated as FEP agencies, the deferral period for section 503 complaints/ADA charges dual filed with OFCCP will be waived.

(d) OFCCP shall transfer promptly to EEOC a complaint of employment discrimination over which it does not have jurisdiction but over which EEOC may have jurisdiction. At the same time, OFCCP shall notify the complainant and the contractor/respondent of the transfer, the reason for the transfer, the location of the EEOC office to which the complaint was transferred and that the date OFCCP received the complaint will be deemed the date it was received by EEOC.

(e) OFCCP shall investigate and process as set forth in this section all section 503 complaints/ADA charges dual filed with OFCCP, except as specifically provided in this paragraph. Section 503 complaints/ADA charges raising Priority List issues, those which also include allegations of discrimination of an individual nature on the basis of race, color, religion, sex, or national origin, and those which also include an allegation of discrimination on the basis of age will be referred in their entirety by OFCCP to EEOC for investigation, processing and final resolution, provided that such complaints/charges do not include allegations of violation of affirmative action requirements under section 503. In such a situation, OFCCP will bifurcate the complaints/charges and refer to EEOC the Priority List issues or allegations of discrimination on the basis of race, color, religion, sex, national origin, or age. OFCCP shall normally retain, investigate, process and resolve all allegations of discrimination, over which it has jurisdiction, of a systemic or class nature on the basis of race, color, religion, sex, or national origin that it receives. However, in appropriate cases the EEOC may request that it be referred such allegations so as to avoid duplication of effort and assure effective law enforcement.

(1) *No cause section 503 complaints/ADA charges.* If the OFCCP investigation of the section 503 complaint/ADA charge results in a finding of no violation under section 503 (no cause under the ADA), OFCCP will issue a determination of no violation/no cause under both section 503 and the ADA, and issue a right-to-sue letter under the ADA, closing the complaint/charge.

(2) *Cause section 503 complaints/ADA charges*—(i) *Successful conciliation.* If the OFCCP investigation of the section 503 complaint/ADA charge results in a finding of violation under section 503 (cause under the ADA), OFCCP will issue a finding of violation/cause under both section 503 and ADA. OFCCP shall attempt conciliation to obtain appropriate full relief for the complainant (charging party), consistent with EEOC's standards for remedies. If conciliation is successful and the contractor/respondent agrees to provide full relief, the section 503 complaint/ADA charge will be closed and the conciliation agreement will state that the complainant (charging party) agrees to waive the right to pursue the subject issues further under section 503 and/or the ADA.

(ii) *Unsuccessful conciliation.* All section 503 complaints/ADA charges not successfully conciliated will be considered for OFCCP administrative litigation under section 503, consistent with OFCCP's usual procedures. (See 41 CFR part 60–741, subpart B.) If OFCCP pursues administrative litigation under section 503, OFCCP will close the complaint/charge at the conclusion of the litigation process (including the imposition of appropriate sanctions), unless the complaint/charge is dismissed on procedural grounds or because of a lack of jurisdiction, or the contractor/respondent fails to comply with an order to provide make whole relief. In these three cases, OFCCP will refer the matter to EEOC for any action it deems appropriate. If EEOC declines to pursue further action, it will issue a notice of right-to-sue. If OFCCP does not pursue administrative enforcement, it will close the section 503 component of the complaint/charge and refer the ADA charge component to EEOC for litigation review under the ADA. If EEOC declines to litigate, EEOC will close the ADA charge and issue a notice of right-to-sue.

(f) Consistent with the ADA procedures set forth at 29 CFR 1601.28, OFCCP shall promptly issue upon request a notice of right-to-sue after 180 days from the date the complaint/charge was filed. Issuance of a notice of right-to-sue shall terminate further OFCCP processing of any complaint/charge unless it is determined at that time or at a later time that it would effectuate the purposes of section 503 and/or the ADA to further process the complaint/charge.

(g) If an individual who has already filed a section 503 complaint with OFCCP subsequently attempts to file or files an ADA charge with EEOC covering the same facts and issues, EEOC will decline to accept the charge (or, alternatively, dismiss a charge that has been filed) on the grounds that such charge has already been filed under the ADA, simultaneous with the filing of the earlier section 503 complaint, and will be processed by OFCCP in accordance with the provisions of this section.

§ _____.6 Processing of charges filed with EEOC.

(a) *ADA cause charges falling within the jurisdiction of section 503 that the Commission has declined to litigate.* ADA cause charges that also fall within the jurisdiction of section 503 and that the Commission has declined to litigate will be referred to OFCCP for review of the file and any administrative action deemed appropriate under section 503. Such charges will be considered to be complaints, simultaneously dual filed under section 503, solely for the purposes of OFCCP review and administrative action described in this paragraph.

(b) *ADA charges which also include allegations of failure to comply with section 503 affirmative action requirements.* ADA charges filed with EEOC, in which both allegations of discrimination under the ADA and violation of affirmative action requirements under section 503 are made, will be referred in their entirety to

OFCCP for processing and resolution under section 503 and the ADA, unless the charges also include allegations of discrimination on the basis of race, color, religion, sex, national origin or age, or include allegations involving Priority List issues, or the charges are otherwise deemed of particular importance to EEOC's enforcement of the ADA. In such situations, EEOC will bifurcate the charges and retain the ADA component of the charges (and when applicable, the allegations pertaining to discrimination on the basis of race, color, religion, sex, national origin or age), referring the section 503 affirmative action component of the charges to OFCCP for processing and resolution under section 503. ADA charges which raise both discrimination issues under the ADA and section 503 affirmative action issues will be considered complaints, simultaneously dual filed under section 503, solely for the purposes of referral to OFCCP for processing, as described in this paragraph.

(c) EEOC shall transfer promptly to OFCCP a charge of disability-related employment discrimination over which it does not have jurisdiction, but over which OFCCP may have jurisdiction. At the same time, EEOC shall notify the charging party and the contractor/respondent of the transfer, the reason for the transfer, the location of the OFCCP office to which the charge was transferred and that the date EEOC received the charge will be deemed the date it was received by OFCCP.

(d) Except as otherwise stated in paragraphs (a) and (b) of this section, individuals alleging violations of laws enforced by DOL and over which EEOC has no jurisdiction will be referred to DOL to file a complaint.

(e) If an individual who has already filed an ADA charge with EEOC subsequently attempts to file or files a section 503 complaint with OFCCP covering the same facts and issues, OFCCP will accept the complaint, but will adopt as a disposition of the complaint EEOC's resolution of the ADA charge (including EEOC's termination of proceedings upon its issuance of a notice of right-to-sue).

§ _____.7 Review of this part.

This part shall be reviewed by the Chairman of the EEOC and the Director of OFCCP periodically, and as appropriate, to determine whether changes to the part are necessary or desirable, and whether the part should remain in effect.

§ _____.8 Definitions.

As used in this part, the term:

ADA refers to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

Affirmative action requirements refers to affirmative action requirements required by DOL pursuant to section 503 of the Rehabilitation Act of 1973, that go beyond the nondiscrimination requirements imposed by the ADA.

Chairman of the EEOC refers to the Chairman of the U.S. Equal Employment Opportunity Commission, or his or her designee.

Complaint/Charge means a section 503 complaint/ADA charge. The terms are used interchangeably.

Director of the Office of Federal Contract Compliance Programs refers to that individual or his or her designee.

DOL means the U.S. Department of Labor, and where appropriate, any of its headquarters or regional offices.

EEOC means the U.S. Equal Employment Opportunity Commission, and where appropriate, any of its headquarters, district, area, local, or field offices.

Government means the government of the United States of America.

Priority List refers to a document listing a limited number of controversial topics under the ADA on which there is not yet definitive guidance setting forth EEOC's position. The Priority List will be jointly developed and periodically reviewed by EEOC and DOL. Any policy documents involving Priority List issues will be coordinated between DOL and EEOC pursuant to Executive Order 12067 (3 CFR, 1978 Comp., p. 206) prior to final approval by EEOC.

OFCCP means the Office of Federal Contract Compliance Programs, and where appropriate, any of its regional or district offices.

Section 503 refers to section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793).

Section 503 complaint/ADA charge refers to a complaint that has been filed with OFCCP under section 503 of the Rehabilitation Act, and has been deemed to be simultaneously dual filed with EEOC under the ADA.

Adoption of the Joint Final Rule

The agency specific adoption of the joint final rule, which appears at the end of the joint preamble, appears below:

TITLE 29—LABOR

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1641

List of Subjects in 29 CFR Part 1641

Administrative practice and procedure, Americans with disabilities, Equal employment opportunity, Government contracts.

Accordingly, title 29, chapter XIV of the Code of Federal Regulations is amended as set forth below.

Signed at Washington, D.C. this 17th day of January, 1992.

For the Commission:

Evan J. Kemp, Jr.,

Chairman.

Part 1641 is added to chapter XIV to read as set forth at the end of the joint preamble.

PART 1641—PROCEDURES FOR COMPLAINTS/CHARGES OF EMPLOYMENT DISCRIMINATION BASED ON DISABILITY FILED AGAINST EMPLOYERS HOLDING GOVERNMENT CONTRACTS OR SUBCONTRACTS

Sec.

1641.1 Purpose and application.
1641.2 Exchange of information.
1641.3 Confidentiality.
1641.4 Standards for investigations, hearings, determinations and other proceedings.
1641.5 Processing of complaints filed with OFCCP.
1641.6 Processing of charges filed with EEOC.
1641.7 Review of this part.
1641.8 Definitions.

Authority: 42 U.S.C. 12117(b).

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

DEPARTMENT OF LABOR

Office of Federal Contracts Compliance Programs

41 CFR Part 60–742

List of Subjects in 41 CFR Part 60–742

Administrative practice and procedure, Americans with disabilities, Equal employment opportunity, Government contracts.

Accordingly, title 41, chapter 60 of the Code of Federal Regulations is amended as set forth below.

Signed at Washington, D.C. this 21st day of January, 1992.

For the Department:

Lynn Martin,

Secretary of Labor.

Cari M. Dominguez,

Assistant Secretary for Employment Standards.

Part 60–742 is added to chapter 60 to read as set forth at the end of the joint preamble.

PART 60–742—PROCEDURES FOR COMPLAINTS/CHARGES OF EMPLOYMENT DISCRIMINATION BASED ON DISABILITY FILED AGAINST EMPLOYERS HOLDING GOVERNMENT CONTRACTS OR SUBCONTRACTS

Sec.

60–742.1 Purpose and application.
60–742.2 Exchange of information.
60–742.3 Confidentiality.
60–742.4 Standards for investigations, hearings, determinations and other proceedings.
60–742.5 Processing of complaints filed with OFCCP.
60–742.6 Processing of charges filed with EEOC.
60–742.7 Review of this part.
60–742.8 Definitions.

Authority: 42 U.S.C. 12117(b).

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January 24, 1992

Part IV

Department of Labor

Mine Safety and Health Administration

30 CFR Part 100

Criteria and Procedures for Proposed Assessment of Civil Penalties: Rule and Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

RIN 1219-AA49

Criteria and Procedures for Proposed Assessment of Civil Penalties

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Final rule.

SUMMARY: This final rule revises the Mine Safety and Health Administration's (MSHA) procedures in 30 CFR part 100 for proposing civil penalties under the Federal Mine Safety and Health Act of 1977 (Mine Act). The rule is responsive to the Omnibus Budget Reconciliation Act that became effective on November 5, 1990, and to an Order from the United States Court of Appeals for the District of Columbia Circuit. It adjusts the existing penalties primarily for the inflation that has occurred since 1982, when the rule was last revised, by including across-the-board increases for all categories of penalties. These changes are intended to induce greater overall mine operator compliance with MSHA's safety and health standards, thereby improving safety and health for miners. This final rule also makes permanent the change introduced in the December 29, 1989 (54 FR 53609), interim action that included single penalty violations in an operator's history of violations for regular penalty assessments. Simultaneously with the publication of this final rule, MSHA is publishing a proposed rule specifically addressing the excessive history assessment program that was proposed on December 28, 1990, (55 FR 53482).

EFFECTIVE DATE: March 1, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703) 235-1910.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The final rule contains no information collection paperwork requirements subject to the Paperwork Reduction Act of 1980.

II. Rulemaking History

MSHA initially had two types of assessments: regular assessments and special assessments. Regular assessments were, and continue to be, computer-generated using a formula system whereby penalty points are computed and then converted to a dollar amount. This computation is based on the criteria in the Mine Act for the assessment of penalties. The criteria include mine and company size, history of violations, negligence, gravity of the hazard, and good faith on the part of the operator to achieve compliance. Special assessments were, and continue to be, prepared manually for violations that are of such a nature or seriousness that an appropriate penalty cannot be determined under this regular assessment formula.

On May 21, 1992, MSHA revised its penalty regulations to include a $20 single penalty assessment for non-significant-and-substantial (non-S&S) violations that were timely abated (47 FR 22286). Non-S&S violations are violations that are not reasonably likely to result in a reasonably serious injury or illness. The regular formula system was used to address significant-and-substantial (S&S) violations. S&S violations are those that are reasonably likely to result in a reasonably serious injury or illness. The special assessment system continued to deal with the more serious violations.

On February 17, 1988, the Coal Employment Project and the United Mine Workers of America challenged the Secretary of Labor's authority to assess a $20 single penalty for non-S&S violations that are timely abated. On November 21, 1989, the United States Court of Appeals for the District of Columbia Circuit upheld MSHA's authority to assess the $20 single penalty, *Coal Employment Project et al.*, v. *Dole*, 889 F.2d 1127, but ordered the Agency to revise its civil penalty regulations: (1) To take a mine operator's history of violations specifically into account in determining whether a violation qualifies for a single penalty assessment; and (2) to include single penalty violations in the history of violations computation for regular assessments. The Court further ordered MSHA to take immediate interim steps to correct these defects in the assessment system and remanded the record to MSHA to revise its regulations to comply with the Court's order. The Court retained jurisdiction of the case to consider the issues after remand.

In response to the remand, MSHA published an interim final rule on December 29, 1989 (54 FR 53609), that temporarily suspended the sentence in 30 CFR 100.3(c) by which timely paid single penalty violations were excluded from an operator's history of violations for regular assessment purposes. Thus, in calculating penalties proposed for S&S violations, MSHA now includes all final violations, both S&S and non-S&S, in an operator's history. The Agency also revised its policies by instructing MSHA enforcement personnel to review non-S&S violations involving high negligence and an excessive history of the same type of violation for possible special assessment. While these interim provisions were is effect, the Agency would begin the rulemaking process to develop a final rule, thereby complying with the Court's order.

On April 12, 1990, the Court found MSHA's "high negligence" requirement in its new assessment policy concerning non-S&S violations to be inconsistent with the November 21, 1989, order. Accordingly, the Court gave MSHA 45 days to respond to the Court's expressed concerns. On May 29, 1990, MSHA issued a program policy letter implementing a program of increased penalties for a mine with an "excessive history" of violations including both S&S and non S&S-violations.

On November 5, 1990, the Omnibus Budget Reconciliation Act became effective and amended the Mine Act to increase the maximum civil penalty for a violation from $10,000 to $50,000. It also raised the maximum penalty for failure to correct a violation from $1,000 to $5,000 per day. Finally, it expected MSHA to increase all of its penalty assessment across-the-board.

On December 28, 1990, MSHA published a proposed revision to its civil penalty regulations (55 FR 53482) that included an across-the-board increase in

all of the Agency's penalties. The proposal would have provided for increases in penalty assessments when a mine has an excessive history of violations. The excessive history proposal was based on the May 29, 1990, program policy letter. The comment period on the proposal was initially scheduled to close on March 1, 1991, but was extended to March 18, 1991 (56 FR 8171) and then to April 2, 1991 (56 FR 11130), at which time it closed. MSHA received comments from all sectors of the mining industry.

III. Discussion and Summary of the Final Rule

A. General Discussion

With this final rule, MSHA accomplishes three basic objectives: (1) Increasing the overall penalty assessments in accordance with Congressional mandate and intent; (2) retaining an assessment system in which violations involving serious hazards receive greater penalties than violations involving non-serious hazards; and (3) including non-S&S violations in the history of violations for purposes of regular penalty assessments.

This final rule responds to both the Omnibus Budget Reconciliation Act and to the Court of Appeals. The former requires MSHA to adjust its penalty conversion table to incorporate the legislated increase in the maximum penalty assessment, and reflects the clear Congressional intent that civil penalties be increased across-the-board. The latter requires MSHA to revise its civil penalty regulations to include non-S&S violations in an operator's history of violations, and to consider an operator's history of violations in determining whether a non-S&S violation would be eligible for a single penalty assessment.

The final rule is generally responsive to these legislative and judicial concerns. However, issues related to the effect of history of violations on determining whether a non-S&S violation would be eligible for a single penalty assessment, that is, excessive history, are not addressed in this final rule. The excessive history program was proposed by the Agency in the December 1990 notice. MSHA received numerous and extensive comments on the excessive history proposal. In addition, some commenters took the opportunity to comment on the excessive history program criteria as contained in the May 29, 1990, program policy letter. MSHA has reviewed all comments on the excessive history program and believes that the comments raise many legitimate issues. For this reason, MSHA has developed a revised excessive history proposal which will be issued as a separate rulemaking. Therefore, this final rule will address all issues in the December 1990 proposal except for excessive history.

In addition to and simultaneously with the revised proposal, the Agency is issuing a revised program policy letter containing the specific criteria for implementing an excessive history program.

MSHA received a wide variety of comments on its proposal. However, several comments raised issues outside the scope of the proposal. All of these comments were carefully reviewed and evaluated. The issues addressed in this final rule are limited to those raised in the proposal.

B. Section-By-Section Analysis of the Final Rule

The following section-by-section analysis addresses the issues raised by the proposal and covered in the final rule.

Section 100.3 Determination of Penalty Amount; Regular Assessment

In this section, MSHA revises paragraphs (c) and (g).

Section 100.3(c) History of Previous Violations

The December 1989 interim action suspended the sentence in this paragraph that excluded violations that received a single penalty assessment and were paid in a timely manner from being counted as part of an operator's history of violations for penalty assessments. Several commenters opposed this revision. They contended that it unfairly punished those operators who, due to the nature of their mining operations, tend to receive many non-S&S violations and relatively few S&S violations. As a single penalty violation represents a minimal hazard, they stated that less hazardous mines will be assessed at a higher rate than more hazardous mines by counting single penalty assessments in history. Other commenters disagreed and contended that all violations have the potential for some risk to the miner and should be counted for history purposes. In this final rule, MSHA adopts the language in the December 1989 interim action which deleted the language that excluded timely paid single penalty assessments from the calculation of history of violations for assessment purposes. This action is consistent with the Court's holding in Coal Employment Project that Congress intended all violations to be counted in a mine's history.

Section 100.3(g) Penalty Conversion Table

MSHA received many comments concerning the proposed across-the-board increase in the civil penalty conversion table. Most commenters stated that the proposed five-fold increase in the maximum civil penalty and the general across-the-board increases at each penalty level were too great and would cause significant financial hardship for many mine operators. Several of these commenters noted that, although there has been general inflation in the economy since these penalties were first established, such has not been the case for the prices received by operators for many commodities, particularly coal. Some of these commenters further asserted that many operators could be driven out of business by such an increase in penalties. A few commenters expressed the opinion that this action was proposed in order for MSHA to enhance its revenues.

Other commenters, however, disagreed with the proposed penalty table on the grounds that Congress intended, through the Omnibus Budget Reconciliation Act, that MSHA levy a five-fold across-the-board increase for all its civil penalties.

In this final rule, MSHA adopts the penalty table contained in the proposal. This action is responsive to the Congressional mandate expressed in the Omnibus Budget Reconciliation Act. Further, an across-the-board increase in the final rule reflects inflationary changes that have occurred since penalties were last revised, and also reflects MSHA's philosophy that more serious hazards warrant higher penalty increases. MSHA is substantially increasing its dollar assessments so that the higher penalty points receive a higher percentage increase than do the lower penalty points. Thus, lower penalty point assessments are increased by 1.5 times the previous assessment and this percentage increase grows to a five-fold increase at the higher penalty points.

Finally, it should be noted that all MSHA civil penalty assessments are paid into the United States Treasury. None are deposited into MSHA's budget.

In the preamble to the proposed rule, MSHA requested public comments on whether the final rule should include an annual, automatic inflation increase for penalties. Several commenters opposed an automatic inflation adjustment because it would add a future burden to mine operators that could become

financially disastrous if the prices of mine commodities fell or did not keep pace with the economy's inflation rate. Some of these commenters also stated that each future increase in civil penalties must go through public rulemaking before it could be implemented. Other commenters were in favor of an annual, automatic inflation adjustment because it was the only practical way to ensure that the real dollar value of the civil penalties does not diminish over time.

After carefully reviewing these comments, MSHA determined that it is not appropriate for the final rule to contain an automatic inflation adjustment factor.

Section 100.4 Determination of Penalty; Single Penalty Assessment

MSHA received many widely varied comments concerning its proposals to increase the current single penalty from $20 to $50 for a timely abated non-S&S violation.

Some commenters objected to the proposed single penalty increase as being much higher than the level warranted by the inflation that has occurred since the $20 penalty was instituted in 1982. Other commenters objected to any increase at all because these non-S&S violations are violations for which there is no associated potential injury. Another commenter, however, suggested that these penalties be increased to $500 in order to provide a meaningful deterrent to operators. Some commenters suggested that MSHA abandon the single penalty assessment and assess all non-S&S penalties under the regular assessment formula.

MSHA has reviewed these comments and the Agency's enforcement records and has included a $50 single penalty in the final rule. This represents a substantial increase in the single penalty and the Agency continues to believe that the single penalty is warranted in certain circumstances. The single penalty assessment continues to serve its purpose of achieving improved miner safety and health by reducing the amount of time inspectors spend on conferencing violations that have a minimal impact on mine safety and health. This, in turn, has allowed inspectors to spend more time focusing on the S&S violations that have the greater potential to cause fatalities and injuries. MSHA believes that the increased single penalty will be a more effective deterrent to non-S&S violations.

Section 100.5 Special Assessments

Although there is no wording change in this section, there will be a change in the amount of penalties assessed to be consistent with the increase in single penalty and regular formula assessments.

IV. Executive Order 12291 and Regulatory Flexibility Act

Executive Order 12291 requires that a regulatory impact analysis (RIA) be performed for any regulation that would have a $100 million impact on the economy or a major impact on an industry. MSHA believes that this final rule will have a major impact on the mining industry, and therefore, a regulatory impact analysis (RIA) has been prepared and is available for public review.

Briefly summarizing the findings of that RIA, using the data from June 1, 1990, through May 31, 1991, MSHA estimates what would have been the amounts assessed under the new penalty conversion table and under the old penalty table that would have occurred in the absence of any excessive history program for regular assessments, special assessments, and single penalty assessments.

[In millions of dollars]

Assessment	Previous penalty table assessment	New penalty table assessment	Difference
Regular	10.9	20.3	9.4
Special	4.4	8.3	3.9
Single penalty	1.1	2.9	1.8
Total	16.4	31.5	15.1

The Agency also determined that the final rule will have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis has also been prepared and is available. Small operators generally are in the weakest financial position and an increase in penalty assessments will have a greater effect on them than it will have on large operators. Nevertheless, this greater effect on small operators does not mean that it will result in a substantial number of these operators going out of business solely because of the increased penalty assessments.

V. Paperwork Reduction Act

This proposal does not contain any information collection requirements subject to the Paperwork Reduction Act of 1980.

List of Subjects in 30 CFR Part 100

Mine safety and health, Penalties.

Dated: January 17, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

Therefore, part 100, subchapter P, chapter I, title 30 of the Code of Federal Regulations is amended as follows:

PART 100—CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF CIVIL PENALTIES

1. The authority citation for part 100 continues to read as follows:

Authority: 30 U.S.C. 815, 820, and 957.

2. Section 100.3 is amended by revising the text in paragraph (c) preceding the tables and paragraph (g) to read as follows:

§ 100.3 Determination of penalty amount; regular assessment.

* * * * *

(c) *History of previous violations.* History is based on the number of assessed violations in a preceding 24-month period. Only violations that have been paid or finally adjudicated will be included in determining history. The history of previous violations may account for a maximum of 20 penalty points. For mine operators, the penalty points will be calculated on the basis of the average number of assessed violations per inspection day (VPID) (Table VI). For independent contractors, penalty points will be calculated on the basis of the average number of violations assessed per year at all mines (Table VII).

* * * * *

(g) *Penalty conversion table.* The following penalty conversion table shall be used to convert the accumulation of penalty points to the appropriate proposed monetary assessment.

PENALTY CONVERSION TABLE

Points	Penalty
20 or fewer	60
21	66
22	72
23	78
24	84
25	90
26	99
27	108
28	117
29	126
30	135
31	147
32	159
33	171
34	183
35	195
36	210
37	225
38	240
39	255
40	270

PENALTY CONVERSION TABLE—Continued

Points	Penalty
41	292
42	315
43	337
44	360
45	382
46	412
47	442
48	518
49	617
50	724
51	851
52	987
53	1,134
54	1,290
55	1,457
56	1,650
57	1,855
58	2,072
59	2,301
60	2,542
61	2,816
62	3,105
63	3,407
64	3,724
65	4,000
66	4,200
67	4,400
68	4,600
69	4,800

PENALTY CONVERSION TABLE—Continued

Points	Penalty
70	5,000
71	5,250
72	5,500
73	5,750
74	6,000
75	6,250
76	6,500
77	7,000
78	7,500
79	8,000
80	8,500
81	9,500
82	10,500
83	11,500
84	12,500
85	13,500
86	15,000
87	17,000
88	19,000
89	21,000
90	23,000
91	25,000
92	27,500
93	30,000
94	32,500
95	35,000
96	37,500
97	40,000
98	42,500

PENALTY CONVERSION TABLE—Continued

Points	Penalty
99	45,000
100	50,000

* * * * *

3. Section 100.4 is revised to read as follows:

§ 100.4 Determination of penalty; single penalty assessment.

An assessment of $50 may be imposed as the civil penalty where the violation is not reasonably likely to result in a reasonably serious injury or illness, and is abated within the time set by the inspector. If the violation is not abated within the time set by the inspector, the violation will not be eligible for the $50 single penalty and will be processed through either the regular assessment provision (§ 100.3) or special assessment provision (§ 100.5).

[FR Doc. 92-1802 Filed 1-23-92; 8:45 am]
BILLING CODE 4510-43-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

RIN 1219-AA49

Criteria and Procedures for Proposed Assessment of Civil Penalties

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Mine Safety and Health Administration's (MSHA) procedures in 30 CFR part 100 for proposing civil penalties under the Federal Mine Safety and Health Act of 1977 (Mine Act). The proposal is responsive to a November 21, 1989, Order of the United States Court of Appeals for the District of Columbia Circuit. It would include penalty increases for a mine with an excessive history of violations. This proposed change is intended to induce greater overall mine operator compliance with MSHA's safety and health standards, thereby improving miner safety and health. Simultaneously with the publication of this proposed rule, MSHA is issuing a program policy letter containing the specific criteria that are being proposed in this notice.

DATES: Written comments must be submitted on or before March 24, 1992.

ADDRESSES: Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA (703)235-1910.

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act

The proposed rule would contain no information collection requirements subject to the Paperwork Reduction Act of 1980.

II. Rulemaking History

MSHA initially had two types of assessments: regular assessments and special assessments. Regular assessments were, and continue to be, computer-generated using a formula system whereby penalty points are computed and then converted to a dollar amount. This computation is based on the criteria in the Mine Act for the assessment of penalties. The criteria include mine and company size, history of violations, negligence, gravity of the hazard, and good faith on the part of the operator to achieve compliance. Special assessments were, and continue to be, prepared manually for violations that are of such a nature or seriousness that an appropriate penalty cannot be determined under the regular assessment formula.

On May 21, 1982, MSHA revised its penalty regulations to include a $20 single penalty assessment for non-significant-and-substantial (non-S&S) violations that were timely abated (47 FR 22286). Non-S&S violations are violations that are not reasonably likely to result in a reasonably serious injury or illness. The regular formula system addressed significant-and-substantial (S&S) violations. S&S violations are those that are reasonably likely to result in a reasonably serious injury or illness. The special assessment system continued to deal with the most serious violations. For regular assessment purposes, the history of violations was defined as the average number of violations per inspection day (VPID) for mine operators and as the average number of violations assessed per year at all mines for independent contractors; i.e., contractor violation history points (CVHP). Single penalty violations that were timely paid were not included in the history computation.

On February 17, 1988, the Coal Employment Project and the United Mine Workers of America challenged the Secretary of Labor's authority to assess a $20 single penalty for non-S&S violations that are timely abated. On November 21, 1989, the United States Court of Appeals for the District of Columbia Circuit upheld MSHA's authority to assess the $20 single penalty, *Coal Employment Project et al.* v. *Dole*, 889 F.2d 1127, but ordered MSHA to revise its civil penalty regulations: (1) To take a mine operator's history of violations specifically into account in determining whether a non-S&S violation qualifies for a single penalty assessment; and (2) to include single penalty violations in the history of violations computation for regular assessments. The Court further ordered MSHA to take immediate interim steps to correct these defects in the assessment system and remanded the record to MSHA to revise part 100 to comply with the Court's order. The Court retained jurisdiction of the case.

In response to the remand, MSHA published an interim action on December 29, 1989 (54 FR 53609), that temporarily suspended the sentence in 30 CFR 100.3(c) by which timely paid single penalty violations were excluded from an operator's history of violations for regular assessment purposes. Thus, in calculating penalties proposed for S&S violations, MSHA now includes all final violations, both S&S and non-S&S, in an operator's history. The Agency also revised its policies by instructing MSHA enforcement personnel to review non-S&S violations involving high negligence and an excessive history of the same type of violation for possible special assessment. While these interim provisions were in effect, the Agency would begin the rulemaking process to develop a final rule, thereby complying with the Court's order.

On April 12, 1990, the Court found MSHA's "high negligence" requirement in its new assessment policy concerning non-S&S violations to be inconsistent with the November 21, 1989, order. Accordingly, the Court gave MSHA 45 days to respond to the Court's expressed concerns. On May 29, 1990, MSHA issued a program policy letter implementing a program of increased penalties for a mine with an "excessive history" of violations, including both S&S and non-S&S violations.

On December 28, 1990, MSHA published a proposed revision to its civil penalty regulations (55 FR 53482) that included an across-the-board increase in all of the Agency's penalties. The proposal provided for increases in penalty assessments when a mine has an excessive history of violations. The excessive history proposal was based on the May 29, 1990, program policy letter. The comment period on the proposal was initially scheduled to close on March 1, 1991, but it was extended to March 18, 1991 (56 FR 8171), and then to April 2, 1991 (56 FR 11130), at which time it closed. MSHA received comments from all sectors of the mining industry.

Subsequently, based on the volume and nature of the comments received on the December 1990 proposed rule, MSHA has separated the rulemaking into a final rule and a new proposal.

The final rule, published in today's **Federal Register**, revises the penalty table in accordance with the Omnibus Budget Reconciliation Act, increases the single penalty from $20 to $50, and includes single penalty violations in history.

This proposed rule only addresses the excessive history assessment program. In response to comments, the excessive history program, which was included in the December 1990 proposal, has been revised in this proposal.

Finally, MSHA is issuing a new program policy letter to replace the May 29, 1990, policy letter. This new program policy letter contains the revised specific criteria for implementing the

excessive history program contained in this proposal.

The final rule, the proposed rule, and the new program policy letter are being issued simultaneously, so that the new excessive history criteria will become effective at the same time as the new penalty table.

III. Discussion and Summary of the Proposed Rule

A. General Discussion

At the outset, MSHA would like to emphasize that the Agency is requesting comments on all aspects of this proposed rule. The comments submitted in response to the December 1990 proposal will be incorporated into this rulemaking record. The public will be given 60 days to comment on this proposal.

MSHA intends to accomplish four basic objectives with this proposal: (1) Encourage mine operators who have an excessive history of violations to improve compliance; (2) respond to the ruling of the Court of Appeals by incorporating the history of violations into determining whether a non-S&S violation is eligible for a single-penalty assessment; (3) retain a system in which violations involving serious hazards receive greater penalties than violations involving less serious hazards; and (4) respond to a recommendation by the Office of the Inspector General of the U.S. Department of Labor that progressive penalties be assessed for repeat violations of the same health or safety standard.

Although the December 1990 proposal included provisions for an excessive history program, MSHA is reproposing a substantially revised excessive history program. Several of the revised provisions result from comments MSHA received in response to the previous proposal. The Agency believes that as this revised proposal is significantly different from the previous proposal, a reproposal is appropriate.

MHSA received numerous and extensive comments on the excessive history proposal. In addition, some commenters took the opportunity to comment on the excessive history program criteria in the May 29, 1990, program policy letter. MSHA has reviewed all comments on the excessive history program and believes that the comments raise many legitimate issues. In addition, there were several other comments, such as requesting a general revision of part 100 or a review of enforcement policies, that were outside the scope of the proposal. However, this rulemaking is limited to the excessive history assessment program.

B. Section-By-Section Analysis of the Proposed Rule

The following section-by-section analysis addresses the public comments on the previous proposal and describes the resulting new proposal.

Section 100.3 Determination of Penalty Amount; Regular Assessment

In this section, MSHA proposes revisions to paragraphs (a) and (c).

Section 100.3(a) General

In this section, MSHA proposes an excessive history assessment program that would increase the amounts of certain proposed penalties. Increased assessments at mines with an excessive history of violations, including both S&S and non-S&S violations, would serve as a more effective deterrent and would help to reduce the number of violations at those mines, thereby providing a safer and more healthful work environment.

In reviewing the December 1990 proposal, several commenters noted that the use of the word "or" in the proposed § 100.3(a) could be interpreted as meaning that an excessive history assessment would make an operator ineligible for a "good faith" penalty reduction from a timely abatement. MSHA did not intend that interpretation. In fact, under the May 29, 1990, program policy letter, MSHA has continued to apply the good faith penalty reduction criterion to citations that are timely abated and that receive an excessive history assessment. For clarification, the word "or" that had been proposed for § 100.3(a) is changed to "and" in this proposal. The new program policy letter will continue the current policy concerning the applicability of the good faith criterion to citations that receive an excessive history assessment and are timely abated.

Section 100.3(c) History of Previous Violations

Consistent with current policy, MSHA proposes to formalize an excessive history assessment program. This excessive history program would be integrated into MSHA's overall enforcement strategy.

In selecting the criteria for an excessive history program, MSHA used the experience gained under the May 29, 1990, program policy letter, the most recent violation and enforcement data, and the public comments on the December 1990 proposal. The Agency intends for the excessive history program to address, as appropriate, hazards at both large and small mines, at both surface and underground mines, and at both coal and metal and nonmetal mines. The Agency believes that this proposal reflects that intent.

Under the proposal, excessive history would be based upon two criteria: (1) Under § 100.3(c)(1), the overall violation history for a preceding 24 month period as reported by VPID or CVHP; and (2) under § 100.3(c)(2), the number of repeat violations of the same safety or health standard per inspection day (RPID) in a preceding 12-month period. Only S&S violations would be subject to excessive history based on RPID. A mine would also need to have more than 10 violations in a preceding 24 month period to receive an excessive history assessment. The specific criteria and penalty assessment increases would be included in the final rule. Only citations and orders that are paid or finally adjudicated would be included in determining excessive history. Under the proposal, only citations and orders issued on or after January 1, 1991, would be used in determining excessive history. The Agency would use the available history and repeat data after January 1, 1991, when determining excessive history until the full 24 months of history and 12 months of repeat data are collected. Thereafter, the rule would be applied accordingly. MSHA requests comments on all aspects of this proposal.

During the last several months, the Agency has reviewed many options with respect to the precise numbers to be used to determine whether a mine has an excessive history of violations as well as the amount of the penalty assessment increases. Based on the Agency's experience with the May 29, 1990, program policy letter and the comments received in response to the December 1990 proposal, MSHA is proposing the following criteria and penalty assessment increases.

In order to receive an excessive history assessment under the VPID or CVHP criterion, a mine or contractor would need to have 20 penalty points for overall history (a VPID $>$ 2.1 or a CVHP $>$ 50) based on a previous 24 month period. Both S&S and non-S&S final violations would be included in this history computation. A mine or contractor meeting this criterion would receive a 40 percent increase in the base penalty assessment for all regular-assessed violations, a proportionate increase on special-assessed violations, and all non-S&S violations that would have received a single penalty would receive a regular penalty assessment.

In order to receive an excessive history assessment under the RPID criterion, a mine would need to have an

RPID greater than 0.20. An RPID of 0.21 through 0.30 would result in a 20 percent increase in the base penalty for all regular-assessed violations; an RPID of 0.30 through 0.40 would result in a 30 percent increase; and an RPID greater than 0.40 would result in a 40 percent increase. Both S&S and non-S&S violations would be included in the total number of repeat violations. However, the repeat violation excessive history criterion will apply only to S&S violations. Non-S&S violations that would have received a single penalty assessment would continue to receive a single penalty.

There are significant differences between these proposed criteria and the criteria in the May 29, 1990, program policy letter.

The first is that, with respect to the VPID criterion, the program policy letter imposed excessive history increases of 20 percent on violations at mines with VPID > 1.7 through 1.9 (or a CVHP > 40 through 45), a 30 percent increase on violations at mines with VPID > 1.9 through 2.1 (or a CVHP > 45 through 50), and a 40 percent increase on violations at mines with VPID > 2.1 (or a CVHP > 50).

The second is that, with respect to the criteria for repeat violations of the same standard, the program policy letter was based on total repeat violations (not repeat violations adjusted for inspection days) so that between 11 and 25 repeat violations resulted in a 20 percent increase, between 26 and 40 repeat violations resulted in a 30 percent increase, and 41 or more repeat violations resulted in a 40 percent increase.

The third is that the program policy letter imposed a regular formula assessment on non-S&S violations for excessive history based on repeat violations of the same standard.

In general, MSHA believes that mines with a VPID or CVHP that is the highest category in the penalty point table indicates a lesser concern for compliance with MSHA safety and health standards than does a lower overall history. Up to the highest penalty point category, there is a progressive increase in the number of penalty points for increasing VPID or CVHP. An excessive history assessment levied on those mines with the highest category of penalty points would continue the progressive penalty concept for increasing VPID and CVHP and would encourage these operators to devote additional effort and resources to comply with MSHA standards. Thus, this proposal would place the greatest penalties on mines that have the highest non-compliance levels.

Similarly, the proposed use of RPID as a criterion for an excessive history assessment is based on a determination that repeat violations of the same standard indicate a persistent compliance problem. MSHA also carefully reviewed and evaluated both the comments concerning the use of repeat violations as an excessive history criterion and the assessments generated by the program policy letter. In addition, MSHA reviewed the recommendation of the September 30, 1988, Inspector General Final Audit of MSHA entitled, "The Mine Plan Approval and Selected Enforcement Activities" (IG report) that progressive penalties be assessed for repeated violations of the same standard. MSHA continues to believe that repeated violations of the same standard is an appropriate criterion to trigger an excessive history assessment. The excessive history assessment based on repeat violations, unlike the excessive history assessment based on overall history, would apply only to S&S violations. An excessive history assessment based on repeat violations and levied only on S&S violations would focus the operator's attention on a specific, repetitive problem that has a higher potential for injury or illness. The initial penalty increase would give notice to a mine operator that this specific problem exists and the progressive penalties would provide further incentive for the operator to resolve the problem.

Unlike the May 29, 1990, program policy letter and the December 1990 proposal that based excessive history assessments on the total number of repeat violations, MSHA proposes to divide the total number of repeat violations by the number of inspection days and to use this RPID as the basis for the excessive history assessment. There may be a belief, as reflected in some comments, that a high number of repeat violations is, by itself, not necessarily indicative of a high hazard mining operation. For example, at large gassy underground coal mines where MSHA inspectors may be continuously present, it might not be unusual to receive 10 ventilation plan citations annually because the ventilation standard is the standard cited for many associated violations. Consequently, a high number of repeat violations of the same standard does not necessarily indicate a mine operator's lack of commitment to miner safety and health but rather the fact that it may have been a large mine that required more inspector presence. However, by using the number of repeat violations divided by the number of inspection days, all mines would be treated more equitably in that MSHA inspection time would be normalized.

The types of hazards for which MSHA typically issues many of its citations are those that can lead to fires, explosions, and other types of major accidents with the potential to cause multiple fatalities and injuries as well as serious individual injuries. Consequently, the values proposed for triggering an excessive history assessment were selected so that the excessive history penalty would focus on mines that have relatively high numbers of these types of violations.

In addition to the comments concerning the specific criteria and penalty amounts, commenters raised several issues concerning the excessive history program. First, the majority of commenters suggested that the specific criteria and the exact amount of the penalty increases for an excessive history assessment should be contained in part 100 so that the mine operator would have notice of the appropriate compliance responsibilities. MSHA agrees and included the specific excessive history assessment criteria and the penalty amounts in this proposed rule. MSHA believes that this will allow the public ample opportunity to comment on this important aspect of excessive history. MSHA is also issuing a revised program policy letter that continues the existing excessive history program, but under this new criteria.

The second issue was the date from which violations would begin to be counted for excessive history assessments. MSHA proposed a starting date of January 1, 1991. Until January 1, 1993, the VPID and CVHP calculations would be based on fewer than 2 years of data, and until January 1, 1992, the RPID would be based on less than 1 year of data. However, no excessive history assessment would be levied until a mine had accumulated more than 10 fully paid or finally adjudicated violations.

Comments concerning this issue varied. Some commenters criticized the date as imposing a retroactive penalty on mine operators; they contended that violations should not be counted for the purposes of excessive history assessments until a final rule is promulgated. Their justification is that mine operators need to be given fair and adequate notice of this change in assessments in order to avoid retroactive penalties. These commenters asserted that many mine operators would have contested certain citations had they known that these citations would be used in determining whether or not an operator received an excessive history assessment. It was further

asserted that mine operators do not now contest every citation that they believe to be improperly issued—particularly those involving the $20 single penalty assessment—because the time and labor cost of contesting the citation is substantially greater than the penalty itself. If, however, operators had known that these citations could result in a future excessive history assessment, then they would have contested many of these citations. In support of these assertions, one commenter noted that the contested citation rate went from an historical average of about 3 percent to about 6 percent after the publication of the pattern of violations rule and the program policy letter establishing the excessive history assessment program. Thus, in order for mine operators to receive adequate notice of this change in penalty assessments and to react accordingly, the violation history for an excessive history assessment must start no sooner than 30 days after the final rule is promulgated.

Other commenters criticized the January 1, 1991, date because the May 29 program policy letter had already established an excessive history assessment program with retroactive starting dates. Thus, these commenters stated that the issue of retroactive criteria is assessing penalties is not relevant because mine operators have received adequate notice, and, therefore, the final rule should continue the policy begun in the program policy letter. They contend that continuing the existing system would minimize industry confusion about the date at which violations will be counted for excessive history when the final rule becomes effective.

MSHA has decided to repropose January 1, 1991, as the effective date for including violations for excessive history assessments. The Agency seeks additional comments on this proposal.

The third issue concerned MSHA's proposal to base excessive history only on violations paid or finally adjudicated. One commenter noted that under certain circumstances, a mine operator may be able to avoid an excessive history assessment by virtue of having contested citations from previous inspections. This commenter suggested that in order to discourage widespread filing of notices of contest solely to minimize the length of time a violation would be included for excessive history assessments, all citations (including those contested) should be counted on the date they were issued. Further, according to this commenter, any contested citation would be eliminated from excessive history assessment only if it were vacated.

The primary reason that MSHA does not propose to adopt this suggestion is that the Agency does not believe that it is either appropriate or fair to include citations that are ultimately vacated in an excessive history assessment. In addition, MSHA does not believe that operators will file a notice of contest solely for the purpose of delaying a potential excessive history assessment. There are substantial economic costs associated with contesting citations and the average amount of time during which the contested citation is pending and not counted for history will generally be too brief for the potential financial gain to be greater than this cost.

The fourth issue concerned the overall equitableness of the proposed excessive history assessment program. Several commenters stated that the number of citations issued by an MSHA inspector was affected by several factors other than the actual safety and health conditions in a mine. Specifically, they stated that the inspection statistics demonstrated that different MSHA districts issued different numbers of citations per inspector visit and that underground mines received a disproportionate share of citations compared to surface mines. They also asserted that mines in which a miners' representative accompanied the inspector received more citations than mines where a miner's representative did not accompany the inspector. They concluded that in order for the excessive history assessment program to be equitable, the raw violation data need to be statistically corrected for these factors. Regardless of the validity of the statistical tendencies reported by these commenters, these comments relate to enforcement issues that are outside the scope of this proposal.

The fifth issue concerns whether the excessive history criteria should include non-S&S citations. Some commenters reported that although they are issued more non-S&S citations than S&S citations, they are receiving excessive history assessments under the May 29 program policy letter criteria in which non-S&S violations are counted for excessive history. They contend that because a non-S&S violation poses little, if any, threat of injury to a miner, it should not be counted equally with S&S violations that pose a threat of injury to a miner. However, other commenters supported the inclusion of non-S&S violations in the excessive history program because a non-S&S violation may have the potential to cause an injury and high numbers of these violations may indicate a low level of commitment to miner safety and health.

As the Court of Appeals in Coal Employment Project was concerned about the applicability of the history criterion in the Mine Act to non-S&S violations, the Agency is incorporating, through the final rule, non-S&S violations into the overall history computation. Therefore, as excessive history is based on overall history, the Agency proposes to incorporate non-S&S violations into the computation of total violations for the excessive history assessment program. However, the Agency recognizes that S&S and non-S&S violations represent different levels of hazards and, thus, should be addressed differently. Consequently, as discussed earlier, MSHA proposes that all non-S&S violations would receive a regular assessment if the mine's VPID or CVHP is 20 penalty points. However, non-S&S violations would not be subject to the RPID criterion. MSHA requests additional comments on this aspect of the proposal.

A few commenters had the mistaken impression that MSHA would impose two penalty increases for excessive history on violations at mines that qualified under both criteria. This is not MSHA's intent. Further, MSHA has not implemented the existing excessive history program in this manner. MSHA will impose only one penalty increase for excessive history on any individual violation. If a violation would qualify under both criteria but each criterion would assign a different percentage increase, MSHA proposes to use the greater percentage increase for the assessment. For example, if an operator had a VPID of 2.1 (a 40 percent excessive history assessment) and a RPID of 0.25 (a 20 percent excessive history assessment), MSHA would impose the 40 percent increase.

In evaluating the number of mines and number of citations that would be affected by the proposed excessive history criteria, MSHA used 1989 assessment data. On that basis, MSHA determined that 250 coal mines (about 5.9 percent of all active coal mines, including mines that are intermittently active, in 1989) would have received an excessive history assessment. Of these 250 coal mines, 76 would have been small mines (3.0 percent of all small coal mines), 115 would have been medium-sized mines (7.7 percent of all medium-sized coal mines), and 59 would have been large mines (25.7 percent of all large coal mines). On that same basis, MSHA also determined that 293 metal and nonmetal mines (about 2.5 percent

of all metal and nonmetal mines, including a substantial number of mines that are intermittently active, in 1989) would have received an excessive history assessment. Of these 293 metal and nonmetal mines, 172 would have been small mines (2.1 percent of all small metal and nonmetal mines), 116 would have been medium-sized mines (5.8 percent of all medium-sized metal and nonmetal mines), and 5 would have been large mines (6.0 percent of all large metal and nonmetal mines).

With respect to the number of violations in 1989 that would have received an excessive history assessment, MSHA determined that 5,157 coal mine violations (5.1 percent of all coal violations) would have received an excessive history assessment. On the basis of mine size, 1,044 of these violations would have occurred at small mines (3.6 percent of all small coal mine violations), 1,646 would have occurred at medium-sized mines (3.9 percent of all medium-sized coal mine violations), and 2,467 of these violations would have occurred at large mines (8.0 percent of all large coal mine violations). MSHA also determined that 3,005 metal and nonmetal mine violations (6.1 percent of all metal and nonmetal mine violations) would have received an excessive history assessment. On the basis of mine size, 1,325 of these metal and nonmetal mine violations would have occurred at small mines (5.2 percent of all small metal and nonmetal mine violations), 1,641 would have occurred at medium-sized mines (8.2 percent of all medium-sized metal and nonmetal mine violations), and 39 would have occurred at large mines (1.2 percent of all large metal and nonmetal mine violations).

The preamble to the December 1990 proposed rule presented some 1989 injury rate statistics for mines that would not have received an excessive history assessment compared to mines that would have received an excessive history assessment. Some commenters took issue with those statistics because they believed that MSHA was interpreting these statistics to mean that injury rates are directly related to the number of violations. MSHA did not intend to imply that, taken by itself, the number of violations at a mine reflects a mine's overall safety and health environment. Rather, MSHA presented these aggregate data to illustrate that the proposed excessive history program would have affected mines that, in the aggregate, had greater injury rates than those mines that would not have been affected by the proposed excessive history program. As the purpose of citations is to prevent conditions that may result in fatalities or injuries, a directly proportional relationship between the fatality and injury rates and the excessive history criteria is unlikely.

In response to commenters, MSHA reviewed its 1989 and 1990 assessment, injury, and fatality data, calculated the average injury and fatality rates for all mines that would have received an excessive history assessment under the program policy letter criteria, and compared them to the average fatality and injury rates for all mines that would not have received an excessive history assessment. These rates are reported per 100 fulltime equivalent employees (i.e., every 200,000 employee hours). Briefly summarizing the results that are found in greater detail in the Preliminary Regulatory Impact Analysis (PRIA), MSHA calculated that the aggregate 1989 and 1990 injury rates in coal mines that would have received an excessive history were 14.56 and 12.55, respectively, while the corresponding values for mines that would not have received an excessive history were 10.24 and 9.91. Similarly, the 1989 and 1990 injury rates for metal and nonmetal mines that would have received an excessive history were 9.95 and 9.04, respectively, while the corresponding values for metal and nonmetal mines that would not have received an excessive history were 7.91 and 6.74, respectively.

MSHA also calculated that the 1989 and 1990 fatality rates in coal mines that would have received an excessive history were 0.01 and 0.03, respectively, while the corresponding values for coal mines that would not have received an excessive history would have been 0.05 and 0.04. Similarly, the 1989 and 1990 fatality rates in metal and nonmetal mines that would have received an excessive history were 0.01 and 0.02, respectively, while the corresponding values for metal and nonmetal mines that would not have received an excessive history were 0.02 and 0.02.

These aggregate injury data reveal that mines that would have received excessive history had higher aggregate injury rates in both years than did mines that would not have received excessive history. These aggregate fatality data, however, do not present as clear a picture. For three of the four fatality rate comparisons, there is no statistical difference between the rates. Although the 1989 coal fatality data differ from the other data, it is difficult to draw conclusions from one year's data because fatalities are infrequent and unpredictable events. Typically, a ten year period of fatalities is necessary in order to draw conclusions.

However, the excessive history criteria in this proposal are not based on fatality and injury rates, although the Agency reviewed fatality and injury rates. Specific fatality and injury data are reported primarily to demonstrate that the evidence is consistent with a positive relationship between fatality and injury rates and higher VPID and higher RPID.

Section 100.4 Determination of Penalty; Single Penalty Assessment

MSHA received varied comments concerning its December 1990 proposal to require that a violation that would have received a single penalty assessment be given a regular formula assessment if it met the criteria for excessive history.

Many commenters stated that the single penalty should continue to be assessed as it has been assessed since its implementation in 1982. However, the Court of Appeals in Coal Employment Project directed MSHA to consider a mine operator's history of violations in determining whether a single penalty assessment is appropriate. The proposal is responsive to the Court's directive.

Other commenters suggested that MSHA abandon the single penalty assessment concept and assess all non-S&S penalties under the regular assessment formula. MSHA has not incorporated this suggestion into the proposal. The Agency believes that the single penalty assessment continues to serve a safety and health purpose by reducing the amount of time inspectors spend on conferencing violations that have a minimal impact on mine safety and health. This, in turn, has allowed inspectors to spend more time focusing on the S&S violations that have the greater potential to cause fatalities and injuries.

Nevertheless, MSHA believes that mines with a VPID $>$ 2.1 may evidence a low level of commitment to compliance with MSHA safety and health standards. MSHA believes that compliance at these mines should be improved if non-S&S violations receive a higher penalty. Consequently, MSHA proposes that all non-S&S violations at mines with VPID a 2.1 would not be eligible for a single penalty but, rather, would receive a regular penalty assessment. However, the excessive history repeat violation criterion would not apply to non-S&S violations. Therefore, non-S&S violations that occur at mines with RPID greater than 0.20 would still be eligible for the single

penalty assessment. MSHA requests comment on this proposal.

Section 100.5 Special Assessments

Although there is no wording change in this section, it does reference § 100.3(a). Under the proposal, § 100.3(a) would incorporate an excessive history program. As a result, violations processed under the special assessment provision of Part 100 that meet the excessive history criteria would also receive an additional dollar penalty to reflect the excessive history. Commenters stated that there was no need for an excessive history program because there is a special assessment program. Under the proposal, district managers would still be able to request a special assessment based upon a determination that (1) the penalty derived from the computer-based program is not sufficient to encourage compliance or (2) a mine has a compliance problem even though it does not meet the excessive history criteria.

IV. Executive Order 12291 and Regulatory Flexibility Act

Executive Order 12291 requires that a preliminary regulatory impact analysis (PRIA) be performed for any proposed regulation that would have an impact of at least $100 million on the economy or would have a major impact on an industry sector. Although this proposed rule would not have a major impact on the economy or the industry, MSHA has prepared a PRIA that is available to the public.

Briefly summarizing the findings of that PRIA, using the data from June 1, 1990, through May 31, 1991, and the new penalty table, MSHA estimates the amounts that would have been assessed: (1) under no excessive history program; (2) under the excessive history program based on the May 29, 1990, program policy letter; and (3) under the proposed excessive history criteria.

NEW PENALTY TABLE ASSESSMENT

[In $ millions]

Baseline	Total	Increase
No Excessive History	31.5	
Excessive History (May 29 Policy)	36.1	4.6
Excessive History (Proposal)	32.9	1.4

Note: The amounts in the "Increase" column are based on a comparison with the baseline of "No Excessive History".

As can be seen in this table, the proposed excessive history criteria would generate a 4.4 percent increase in penalty assessments in comparison to the 14.6 percent increase that would have been generated under the May 29, 1990, program policy letter.

The Agency also determined that the proposal will not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

List of Subjects in 30 CFR Part 100

Mine safety and health, Penalties.

Dated: January 17, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

Therefore, it is proposed to amend part 100, subchapter P, chapter I, title 30 of the Code of Federal Regulations as follows:

PART 100—CRITERIA AND PROCEDURES FOR PROPOSED ASSESSMENT OF CIVIL PENALTIES

1. The authority citation for part 100 continues to read as follows:

Authority: 30 U.S.C. 815, 820, and 957.

2. Section 100.3 is amended by revising the last sentence of the concluding text of paragraph (a) and the text in paragraph (c) preceding the table to read as follows:

§ 100.3 Determination of penalty amount; regular assessment.

(a) * * *

* * * Where appropriate, this penalty amount will be adjusted for demonstrated good faith in accordance with paragraph (f) of this section and for excessive history in accordance with paragraphs (c) (2) and (3) of this section.

* * * * *

(c) *History of previous violations.* (1) Overall history is based on the number of assessed violations in a preceding 24-month period. Only violations that have been paid or finally adjudicated will be included in determining history. The history of previous violations may account for a maximum of 20 penalty points. For mine operators, the penalty points will be calculated on the basis of the average number of assessed violations per inspection day (VPID) (Table VI). For independent contractors, penalty points will be calculated on the basis of the average number of violations assessed per year at all mines (Table VII).

(2) Excessive history shall be based on overall history from paragraph (c)(1) of this section and the number of repeat violations of the same standard per inspection day (RPID) in a preceding 12-month period. Excessive history is defined as either 20 penalty points for overall history or 0.21 or more repeat violations of the same safety or health standard per inspection day. Only significant and substantial (S&S) violations will be subject to excessive history based on RPID. S&S violations are those that are reasonably likely to result in a reasonably serious injury or illness. Only violations that are paid or finally adjudicated will be included in determining excessive history. Mines having 10 or fewer assessed violations in a preceding 24-month period will be excluded from any excessive history determination. Only citations and orders issued on or after January 1, 1991, shall be considered in determining excessive history under this paragraph.

(3) The percentage increase for excessive history based on overall history is 40 percent. The percentage increase for excessive history based on repeat violations per inspection day is 20 percent for 0.21 through 0.30 repeat violations per inspection day, 30 percent for 0.31 through 0.40 violations per inspection day, and 40 percent for more than 0.40 violations per inspection day. Penalties for violations meeting both excessive history criteria will be increased by 40 percent.

* * * * *

3. Section 100.4 is revised to read as follows:

§ 100.4 Determination of penalty; single penalty assessment.

An assessment of $50 may be imposed as the civil penalty where the violation is not reasonably likely to result in a reasonably serious injury or illness (non-S&S), and is abated within the time set by the inspector. If the violation is not abated within the time set by the inspector, the violation will not be eligible for the $50 single penalty and will be processed through either the regular assessment provision (§ 100.3) or special assessment provision (§ 100.5). If the violation meets the criteria for excessive history under § 100.3(c)(2) of this part, it will not be eligible for the $50 single penalty and will be processed through the regular assessment provision (§ 100.3) using only the overall history computation under § 100.3(c)(1).

[FR Doc. 92-1803 Filed 1-23-92; 8:45 am]

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Note: The List of Public Laws for the first session of the 102d Congress has been completed and will be resumed when bills are enacted into public law during the second session of the 102d Congress, which convenes on January 3, 1992. A cumulative list of Public Laws for the first session was published in Part II of the **Federal Register** on January 2, 1992.

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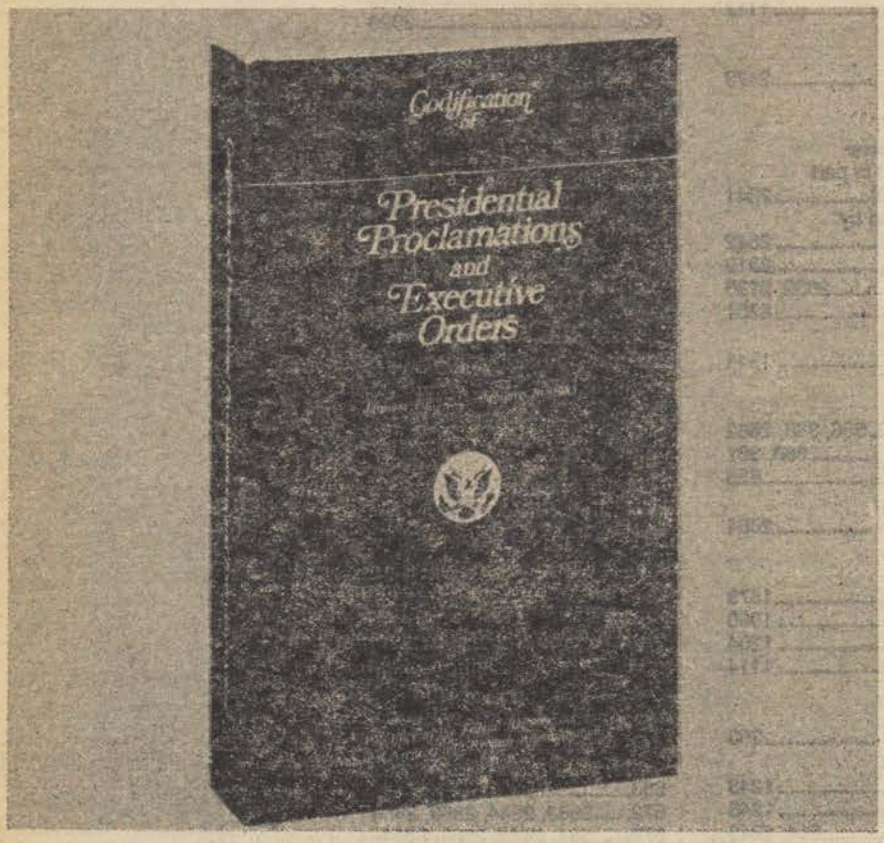

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